

**CITY—COUNTY COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETING  
Monday, February 9, 1981**

A Regular Meeting of the City-County Council of Indianapolis and Marion County, Indiana, convened in the Council Chambers of the City-County Building, at 7:00 p.m., Monday, February 9, 1981. President SerVaas in the Chair. Dr. Philip Borst opened the meeting with a prayer, followed by the Pledge of Allegiance.

**ROLL CALL**

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

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

**CORRECTION OF JOURNAL**

The Chair called for additions or corrections to the Journals of December 15, 1980, January 5, 1981, and January 19, 1981. There being no additions or corrections to these Journals, the minutes were approved as distributed.

**OFFICIAL COMMUNICATIONS**

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

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

**Ladies and Gentlemen:**

**You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, February 9, 1981, at 7:00 p.m. The purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.**

**Respectfully,**

**s/Beurt SerVaas, President  
City—County Council**

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Friday, January 23, 1981, and Friday, January 30, 1981, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 36, 1981, to be held on Monday, February 9, 1981, at 7:00 p.m. in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and the Indianapolis COMMERCIAL on Friday, January 23, 1981, and Friday, January 30, 1981, a NOTICE OF PUBLIC HEARING ON CABLE TELEVISION.

Respectfully,

s/Beverly S. Rippy  
City Clerk

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

Ladies and Gentlemen:

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

**FISCAL ORDINANCE NO. 6, 1981**, amending the CITY-COUNTY ANNUAL BUDGET FOR 1981 (City-County Fiscal Ordinance No. 73, 1980) transferring and appropriating four hundred seventy thousand two hundred seventeen dollars in the County General Fund for purposes of the Central Data Processing and reducing certain other appropriations for that division.

**GENERAL ORDINANCE NO. 9, 1981**, amending the "Code of Indianapolis and Marion County, Indiana," by prohibiting parking on a portion of Greenbrook Trail.

**GENERAL ORDINANCE NO. 10, 1981**, amending the "Code of Indianapolis and Marion County, Indiana", by establishing a load limit on Alton Avenue from Sixteenth Street to Twenty-first Street.

**GENERAL ORDINANCE NO. 11, 1981**, amending the "Code of Indianapolis and Marion County, Indiana", providing for intersection control changes in the subdivisions of Geist Harbours, Pheasant Run, and Eastbrooke Meadows.

**GENERAL ORDINANCE NO. 12, 1981**, amending the "Code of Indianapolis and Marion County, Indiana," providing for intersection control changes at certain locations.

**SPECIAL RESOLUTION NO. 8, 1981**, commending the Citizens Neighborhood Coalition.

**SPECIAL RESOLUTION NO. 9, 1981, memorializing Mr. Charles L. Whistler.**

**SPECIAL RESOLUTION NO. 10, 1981, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 11, 1981, disapproving and rejecting Regulation III, Open Burning Restrictions, promulgated by the Indianapolis Air Pollution Control Board.**

Respectfully submitted,

s/William H. Hudnut, III  
Mayor

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

PROPOSAL NO. 83, 1981. Councillor Boyd read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION honoring Mr. Jack McKinney." The proposal was presented to Coach McKinney by Councillors Gilmer and Boyd. The proposal passed by a unanimous voice vote. PROPOSAL NO. 83, 1981, was then retitled SPECIAL RESOLUTION NO. 12, 1981, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 12, 1981**

**A SPECIAL RESOLUTION honoring Mr. Jack McKinney.**

**WHEREAS, as coach of the Indiana Pacers, Mr. McKinney has exemplified in his leadership the true spirit of athletic competition; and,**

**WHEREAS, outside the realm of professional basketball, he has given generously of his time and energies to promote admirable civic and charitable causes within the community; and,**

**WHEREAS, Jack McKinney's warmth, humility and sense of fairness have enhanced both his sport and his community; 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 expresses its appreciation of the admirable leadership, civic, and personal contributions of fellow citizen, Jack McKinney.**

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

**SECTION 3. This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.**

PROPOSAL NO. 84, 1981. Introduced by Councillor Jones. Proposal No. 84, 1981 appoints Mr. Jack A. Springer as a member of the Marion County Human Rights Commission and the President referred it to the Administration Committee.

PROPOSAL NO. 85, 1981. Councillor Tintera read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION commending Mr. Herman Beem. The proposal passed by a unanimous voice vote. PROPOSAL NO. 85, 1981 was then retitled SPECIAL RESOLUTION NO. 13, 1981, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 13, 1981**

**A SPECIAL RESOLUTION commending Mr. Herman Beem.**

**WHEREAS, since 1975, Mr. Herman Beem has devoted two hours of each day to the task of beautifying the Emerson Avenue median between 19th and 16th Streets; and,**

**WHEREAS, he has steadfastly performed this service to the City without seeking either recognition or compensation for his thousands of hours of labor; and,**

**WHEREAS, Mr. Beem's actions serve as a rare and exemplary example of neighborhood pride and community spirit; 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 expresses its gratitude to Mr. Herman Beem for his selfless contribution to his neighborhood and to the community at-large.**

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

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

PROPOSAL NO. 86, 1981. Introduced by Councillor SerVaas. Proposal No. 86, 1981, supports the establishment and implementation of an alternative sentencing program for certain non-felons under the auspices of the Marion County Sheriff's Department. The President referred Proposal No. 86, 1981, to the Public Safety & Criminal Justice Committee.

PROPOSAL NO. 87, 1981. Introduced by Councillors Cottingham and Durnil. Councillor Cottingham read the proposal entitled: "A Proposal for a Special Resolution honoring Deputy James C. Curry of the Marion County Sheriff's Department." The proposal, as requested by Councillors Cottingham and Durnil, will be presented to Deputy Curry at a later Council meeting. The proposal passed by a unanimous voice vote. PROPOSAL NO. 87, 1981, was retitled SPECIAL RESOLUTION NO. 14, 1981, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 14, 1981**

**A SPECIAL RESOLUTION honoring Deputy James C. Curry of the Marion County Sheriff's Department.**

**WHEREAS, James C. Curry has served with distinction as Deputy Sheriff of Marion County for ten years; and,**

**WHEREAS, He was honored as Outstanding Deputy in March, 1978; and**

WHEREAS, In the course of serving the people of Marion County, he was injured in the line of duty in January, 1981; now, therefore:

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

SECTION 1. The members of the City-County Council convey their appreciation for the outstanding contribution of James C. Curry during his tenure as Deputy Sheriff of Marion County and for his courageous and selfless performance in crisis.

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

SECTION 3. This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 88, 1981. Introduced by Councillors Cottingham and Durnil. Councillor Durnil read the proposal entitled: "A Proposal for a Special Resolution commending Lieutenant Russell R. Freeland of the Marion County Sheriff's Department." The proposal, as requested by Councillors Durnil and Cottingham, will be presented to Lieutenant Russell R. Freeland at a later Council meeting. The proposal passed by a unanimous voice vote. PROPOSAL NO. 88, 1981, was retitled SPECIAL RESOLUTION NO. 15, 1981, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 15, 1981**

A SPECIAL RESOLUTION commending Lieutenant Russell R. Freeland of the Marion County Sheriff's Department.

WHEREAS, Lieutenant Russell R. Freeland has served the Marion County Sheriff's Department with honor for eighteen years; and,

WHEREAS, The quality of Lieutenant Freeland's performance during these years is evidenced by the numerous letters of appreciation received by the Department from the local citizens he has served; and,

WHEREAS, In January, 1981, while attempting to assist a man who was perceived to be in distress, Lieutenant Freeland was seriously injured in an act of violence; now, therefore:

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

SECTION 1. The members of the City-County Council express their gratitude for the many years of exemplary public service rendered by Lieutenant Russell R. Freeland and for his sacrifice made in the line of duty.

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

SECTION 3. This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 57, 1981. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Lawrence Township Assessor"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 58, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of economic development first mortgage revenue bonds for M.E. Raker Project in the amount of \$750,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 59, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of economic development first mortgage revenue bonds for Havens & Kosten Project in the amount of \$300,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 60, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of economic development first mortgage revenue bonds for Aero Industries, Inc. in the amount of \$400,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 61, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of economic development revenue notes for Henry J. Price and Lorraine M. Price in the amount of \$440,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 62, 1981. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$13,440 for the Marion County Sheriff for one additional employee"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 63, 1981. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,387 for the Marion County Prosecutor for the salary of a Deputy Prosecutor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 64, 1981. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$4,795 for the Marion County Superior Court, Juvenile Division, for unexpended expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 65, 1981. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE providing for an escort in funeral processions and penalty for driving through funeral processions"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 66, 1981. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE repealing Section 9-4 of the Code: Location of cemetery"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 67, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE designating certain streets and alleys as one-way"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 68, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE providing for intersection control changes at various intersections"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 69, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the speed limit on County Line Road and Shelby Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 70, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing on-street parking controls on various streets"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 71, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing on-street parking controls on New Jersey Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 72, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE providing for intersection control changes at various subdivisions"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 73, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the action of the Transportation Board with respect to certain capital improvements for 1981"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 75, 1981. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing changes in the personnel schedule of the Decatur Township Trustee"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 81, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE revising on-street parking on the west side of Alabama Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 82, 1981. Introduced by Councillor Page. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION which declares certain areas of priority within USCO's boundaries." This proposal was heard in the Transportation Committee on February 4, 1981, and was passed by the Committee. The Council took action on this proposal under Special Orders, Final Adoption.

PROPOSAL NOS. 76-80, 1981. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on January 23, 1981; and the President referred them to the Committee of the Whole to be heard under Special Orders, Final Adoption.

#### MODIFICATION OF SPECIAL ORDERS

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

PROPOSAL NO. 74, 1981. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$16,182 for the Marion County Sheriff from the Crime Control Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NOS. 89-94, 1981. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on February 4, 1981"; and the President referred them to the Committee of the Whole to be heard under Special Orders, Final Adoption.

### SPECIAL ORDERS, PUBLIC HEARING

The President instructed the Council on the procedures to be followed for the Public Hearing for Proposal No. 544, 1980, which approves and confirms the CATV franchise contract by and between the City, through the Board of Public Works, and American Cablevision of Indianapolis, Inc., and Proposal No. 42, 1981, which approves and confirms the CATV franchise to Indianapolis Cablevision Co., Ltd. President SerVaas noted that all twenty-nine Councillors present would vote and that it would take at least fifteen votes for the majority with that company declared the winner of the franchise. The President stated that there would be one vote taken, at which time, American Cablevision would be represented by the green votes and Indianapolis Cablevision would be represented by the red votes. The Council gave their consent to the voting procedure. The attorneys representing the CATV companies, Mr. Bill Byrum and Mr. Marvin Hackman, also gave their consent. Mr. Doug Hiland, Attorney representing the Board of Public Works, stated that the Public Works Board passed a resolution on January 7, 1981, approving Indianapolis Cablevision as a qualified bidder/applicant.

Dr. Gene Sease, Chairman of the Board of twenty-five local investors in American Cablevision of Indianapolis, Inc., conveyed his thanks to the Council for the full review and appeal process in granting the franchise within the old city limits. Dr. Sease expressed that cable television is more than just a clearer picture; it is a way for viewers to have communication within and across the world. He enumerated reasons why American Cablevision should be selected. He noted that American is nationally recognized and has more dollars available for investment and more programming available. He noted that American has three **earth** stations. American has agreed to comply with the community's need to keep present established stations on their current channels. American can offer subscribers services at a rate of \$6.50 a month, versus the other company's rate of \$7.75, which is 22% less, for a \$2,000,000 savings to the subscribers. This franchise would be a major investment in Indianapolis and would add to the economic development of the community.

Mr. William Brown, Vice President of American Cablevision, Denver, Colorado, stated that in the Kalba-Bowen report, American tied in two of the fifteen categories and was ranked higher in nine categories. Mr. Brown informed the Council that in the future, the majority of programs will come from satellite and American has three earth stations, the third providing a backup station. Mr. Brown reiterated that American is a financially stronger company than its competitor, Indianapolis. He stated that they have supplied five cities the size of Indianapolis with cable. He added that they have met with the utilities to make arrangements, provided they were awarded the franchise, and they are ready to start. In closing, he noted that American was the best bid at the lowest price.

Mr. Joseph Dawson, President of Indianapolis Cablevision Company, Ltd., stated that they currently service thirteen of the outlying cities. Mr. Dawson questioned who will be around to operate the company if awarded to American; he added that Indianapolis is and will continue to operate within the City providing the residents with the service. Mr. Dawson concluded by stating that in January, 100 miles of cable was laid and that Indianapolis is on schedule in their present system.

Mr. Frederick A. Woodress, a resident of Indianapolis, stated that he did not have a preference in cable companies, but he wanted to make recommendations to the Council. He noted that Indianapolis needs more outlets in the City and Marion County. The City needs more hours of programming. He advised that there needs to be periodical reviews of the company awarded the franchise to make sure that the company is living up to its contract. He added that with the ever changing world of technology, the City needs to choose a company that will provide them with the highest level of technological service.

Mr. Warren Wright, a private citizen with no financial interest in either company, stated that, as a resident of Indianapolis and with 40 years of prior television experience with Philaco, his concerns stem towards the power and influence of the franchise. He noted that there has been a great increase with the home video systems and satellite and the Council should consider these factors when making their choice for a cable company in Indianapolis. Furthermore, with all of the changes that are occurring, a company should be chosen to offer the public the most technological facilities available. Mr. Wright stated that he has found no particular fault with Time, Inc. (American), but when all other elements are equal between the companies, the local company should be selected because they can best guarantee their services.

Mr. Wade Mann, a private citizen from Indianapolis, stated that the citizens of Indianapolis will be given a valuable, profitable franchise for Indianapolis. He said

that the public access channel should be offered free of charge to the citizens, provided that no equipment has been damaged. In closing, Mr. Mann stated that one cable company makes a more definite statement on the issue of public access and that he feels this is a strong issue that the Council should also keep in mind when awarding a company the franchise.

Councillor Schneider asked Dr. Sease how, with eighty percent of the ownership in New York, did they propose to screen programs. Councillor Durnil added his concerns of programs on the air such as 'Ugly George'. Dr. Sease stated that the Board of Directors has five local people on board and he feels that there will be a considerable amount of control on monitoring the television programs.

Mr. Brown stated that they will provide five minutes of public access to anyone qualified by the Advisory Committee. Mr. Brown pointed out that local citizens are in charge of the screening process. The franchise contract set out the Advisory Committee and it is part of the contract that they entered into with the City. Mr. Brown stated that when designing a cable system you decide what the channel loading is going to be and that determines the size and type of cable you use and the spacing of the amplifiers. That determines how many channels you can send through that system. He noted that the City is designed for 35 channels with show time on Channel 15.

Mr. Archer Taylor, Indianapolis Cablevision Consultant, spoke about making the channels inside the City comply with channels outside the City.

Councillor Nickell questioned Mr. Brown on the locations for the training schools. Mr. Brown replied that currently training is conducted on a regional basis. Mr. Brown stated that the training is done in Denver. He said that some people from Indianapolis will be sent to Denver for their training and new people will also be brought into the system.

Councillor Vollmer stated that the people of Marion County do not care actually who is awarded the franchise, but rather when they can get the services of cable television. Mr. Brown replied to Councillor Vollmer stating that American will comply with the bid or do even better on installing the service, if awarded the franchise.

Councillor Howard questioned what was being done in the way of contacting the Indianapolis Public School system. Terry Simpson stated that contacts have been made with some of the schools. Nancy Hendricks spoke about offering schools and all other institutions, hospitals, fire stations, etc., more than 10 times what is now available.

Dr. Sease replied that there have been numerous calls, comments, and requests and they will have a strong appeal for the service. In anticipation, American has visited the universities located in the area and have found them to be very interested in having Cable in the schools.

Councillor Schneider called for the question. President SerVaas called for rebuttal of both companies.

Mr. Brown opinioned the two major questions concerning the public: how much is it going to cost, and how soon can the service be implemented. He noted that American will offer free public access. When a cable system is installed, the public wants to watch sports. American has been working with communities and schools dealing with transmitting a basketball game and getting the community involved.

Mr. Marvin Hackman stated that the Board of Public Works has chosen Indianapolis Cablevision as a qualified applicant. Indianapolis is ready to commence construction if awarded the franchise. Being a local company, they are here to serve Indianapolis.

The President then announced again that the vote would be taken with American represented by the green votes and Indianapolis represented by the red votes. The President then called for the vote and Proposal No. 544, 1980, awarding the franchise to American Cablevision was adopted on the following roll call vote; viz:

*16 YEAS: (American) Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mr. Strader, Mr. Tintera, Mr. Vollmer*

*13 NAYS: (Indianapolis) Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. McGrath, Mrs. Nickell, Mr. Schneider, Mrs. Stewart, Mr. West*

Proposal No. 544, 1980, was retitled SPECIAL ORDINANCE NO. 1, 1981, and reads as follows:

**CITY—COUNTY SPECIAL ORDINANCE NO. 1, 1981**

**A SPECIAL ORDINANCE approving and confirming the CATV franchise contract by and between the City of Indianapolis, Indiana, through the Board of Public Works of its Department of Public Works, and American Cablevision of Indianapolis, Inc.**

**WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana, has adopted Chapter 8 1/2 of the Code of Indianapolis and Marion County (hereinafter called the "Code") which regulates the grant of cable television franchises and regulates the construction, maintenance, and operation of cable television systems; and**

WHEREAS, the City-County Council, pursuant to the Code, has determined that a cable television franchise should be granted for all areas of the City which are not included within the area of a previously awarded franchise, as defined by the Code; and

WHEREAS, the City, pursuant to the Code, has conducted public hearings and has given due consideration to each of the applications received for such cable television franchise; and

WHEREAS, American Cablevision of Indianapolis, Inc., duly filed an application for such franchise, and its application has been recommended by the Board of Public Works as the most desirable of all those submitted; and

WHEREAS, the City-County Council, pursuant to the Code, must act upon an ordinance approving and confirming the franchise contract as recommended by the Board of Public Works; 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 and confirms the award of the CATV franchise to American Cablevision of Indianapolis, Inc., and approves and confirms the CATV franchise contract by and between the City of Indianapolis, Indiana, through the Board of Public Works of its Department of Public Works, and American Cablevision of Indianapolis, Inc., a copy of which is attached and incorporated herein.

**SECTION 2.** The City-County Council directs the Director of the Department of Public Works to execute this contract on behalf of the City of Indianapolis.

**SECTION 3.** This ordinance shall be in effect from and after its passage by the Council and compliance with IC 18-4-5-2.

PROPOSAL NO. 36, 1981. This proposal appropriates an additional \$80,538 for purposes of the Prosecutor and Auditor. Councillor West stated that this proposal was necessary due to the fact that the Prosecutor had received additional monies and time did not permit to have it readvertised. Councillor West noted that this proposal received a "do pass" recommendation from the Public Safety and Criminal Justice Committee. Proposal No. 36, 1981, was then adopted on the following roll call vote; viz:

24 YEAS: *Dr. Borst, Mr. Boyd, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West*

NO NAYS

5 NOT VOTING: *Mrs. Brinkman, Mrs. Coughenour, Mr. Dowden, Mrs. Journey, Mrs. Parker*

Proposal No. 36, 1981, was retitled FISCAL ORDINANCE NO. 7, 1981, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 7, 1981**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-Council Fiscal Ordinance No. 73, 1980) appropriating an additional Eighty Thousand Five Hundred Thirty-eight dollars (\$80,538) in the Crime Control Fund for purposes of Marion County Prosecutor and Marion County Auditor and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

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

SECTION 1. To provide for expenditure the necessity for which has arisen since the adoption of the budget, Section 2.05 of the City-County Annual Budget for 1981, be, and the same is hereby amended by the increases and reductions hereinafter stated for the purposes of fighting crime as funded from LEAA Grants and state and local matching funds.

SECTION 2. The sum of Eighty Thousand Five Hundred Thirty-eight dollars (\$80,538) 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:

<b>MARION COUNTY</b>	<b>CRIME CONTROL</b>
<b>PROSECUTOR</b>	<b>FUND</b>
31. Personnel	53,765
32. Contractual Services	3,948
35. Operating Expenses	10,010
<b>MARION COUNTY AUDITOR</b>	
31. Personnel (Fringes)	12,815
Total Increase	<u>80,538</u>

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

<b>MARION COUNTY</b>	<b>CRIME CONTROL</b>
<b>PROSECUTOR</b>	<b>FUND</b>
Unappropriated and	
Unencumbered Crime	
Control Fund	80,538
Total Reductions	<u>80,538</u>

SECTION 5. Section 2.05 of the City-County Fiscal Ordinance No. 73, 1980, be amended by deleting the crosshatched portions and adding the new amounts herein:

**PROSECUTOR**

PERSONNEL CLASSIFICATION	MAXIMUM NUMBER	MAXIMUM SALARY	MAXIMUM PER CLASSIFICATION
Prosecutor	12	24,000	<del>12781917</del> 280,917
Witness Coordinator	3	17,000	40,910
Secretary	7	12,000	<del>457789</del> 48,789
Legal Intern	13	9,500	89,275
Paralegals	<del>3</del> 3	15,000	42,500
Investigator	<del>18</del> 4	19,000	<del>168724</del> 61,224
Computer Analyst	3	18,000	<del>128500</del> 27,500
Data Collection Clerk	1	10,000	10,000
Discovery Clerk	1	10,500	10,500
Vacancy Factor			<del>11887736</del> (-0-)

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 ~~9537350~~ \$611,615.

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

PROPOSAL NO. 634, 1980. This proposal appropriates an additional \$146,737 in the County General Fund for the Marion County Municipal Court, funding the First Offender Program. Councillor West reported that this proposal had been discussed and had received a "do pass" recommendation from the Public Safety and Criminal Justice Committee. After brief discussion, Councillor West moved, seconded by Councillor Rhodes, for adoption. Proposal No. 634, 1980, was adopted on the following roll call vote; viz:

23 YEAS: Dr. Borst, Mr. Boyd, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West  
 NO NAYS

6 NOT VOTING: Mrs. Brinkman, Mr. Dowden, Mr. Durnil, Mr. Hawkins, Mrs. Parker, Mr. Schneider

Proposal No. 634, 1980, was retitled FISCAL ORDINANCE NO. 8, 1981, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 8, 1981**

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1981 (City-County Fiscal Ordinance No. 73, 1980) appropriating an additional One Hundred Forty-six Thousand Seven Hundred Thirty-seven Dollars (\$146,737) in the County General Fund for purposes of Marion County Municipal Court and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1981, be, and the same is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the First Offender Program which is self-supporting.

SECTION 2. The sum of One Hundred Forty-six Thousand Seven Hundred Thirty-seven Dollars (\$146,737), 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:

MARION COUNTY MUNIC—	COUNTY GENERAL
IPAL COURT	FUND
10. Personal Services	\$125,164
MARION COUNTY AUDITOR	
25. Current Obligations	21,573
TOTAL INCREASES	<u>\$146,737</u>

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

MARION COUNTY MUNICIPAL	COUNTY GENERAL
COURT AND MARION COUNTY	FUND
AUDITOR	
Unappropriated and Unencumbered	
County General Fund	\$146,737
TOTAL REDUCTIONS	<u>\$146,737</u>

SECTION 5. Section 2.03 (b) of the City-County Fiscal Ordinance No. 73, 1980, be amended by deleting the crosshatched portions and adding the new amounts herein:

PERSONNEL CLASSIFICATION	MAXIMUM NUMBER	MAXIMUM SALARY	MAXIMUM PER CLASSIFICATION
Professional	<del>63</del> <u>61</u>	\$22,248	<del>\$116,793</del> <u>\$621,001</u>
Secretary	<del>10</del> <u>11</u>	11,828	<del>\$11,977</del> <u>92,975</u>
Specialists	<del>35</del> <u>36</u>	12,056	<del>\$11,263</del> <u>361,221</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 ~~\$2,170,389~~ \$2,134,503.

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

### SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 90, 1980. Councillor McGrath stated that this proposal was introduced by Councillor Brinkman. He said that the proposal received an "amend and pass" recommendation at the joint meeting of the Transportation Board and the Transportation Committee on February 4, 1981. The Department of Transportation conducted a study evaluating the zone locations of the taxicab stands in the downtown area. The Department of Transportation recommended that half of the stands be deleted. Councillor Jones made the motion in the Committee to "amend and pass" Proposal No. 90, 1980, and the motion carried by a vote of 4-3. Councillor Jones made a motion, seconded by Councillor Brinkman, for adoption, after which, Proposal No. 90, 1980, As Amended, was adopted on the following roll call vote; viz:

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

Proposal No. 90, 1980, As Amended, was retitled GENERAL ORDINANCE NO. 15, 1981, and reads as follows:

#### CITY-COUNTY GENERAL ORDINANCE NO. 14, 1981

A GENERAL ORDINANCE amending Section 29-333 of the "Code of Indianapolis and Marion County, Indiana", providing for taxicab stands and establishing such stands at specified locations.

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

SECTION 1. Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", specifically Section 29-333, "Taxicab stands", be and the same is hereby amended by deleting the words crosshatched and inserting the words underlined to read as follows:

"(a) Stands or zones for taxicabs may be established ~~at the following locations, to wit:~~ by resolution of the Transportation Board upon compliance with the procedures of Sec. 29-331 for passenger and materials loading zones and shall be established without charge at the following locations, to wit:

No.	Description	Vehicles Allowed	Zone Length	Parking Controls	Recommendations
TZ01	Located on Meridian St. on the west side beginning at a point 35 feet south of the south curb line of Washington St. to a point 120 feet south of the south curb line of Washington St.	4	85 ft.	NPAT	RETAIN
TZ02	Located on Pennsylvania St. on the east side beginning at a point 16.5 feet south of the south curb line of Wabash St. to a point 37 feet south of the south curb line of Wabash St.	1	20.5 ft.	NSS 6-9 & 3-6	DELETE
TZ03	Located on Capitol Ave. on the east side beginning at a point 167.9 feet north of the north curb line of Maryland St. to a point 252.9 feet north of the north curb line of Maryland St.	4	85 ft.	NPAT	DELETE
TZ04	Located on Ohio St. on the south side beginning at a point 196.5 feet west of the west curb line of Meridian St. to a point 256.5 feet west of the west curb line of Meridian St.	3	56 ft.	NSS 6-9 & 3-6	RETAIN
TZ05	Located on Ohio St. on the south side beginning at a point 104.4 feet west of the west curb line of Capitol Ave. to a point 150.8 feet west of the west curb line of Capitol Ave.	2	46.4 ft.	NSS 7-9 & 4-6	DELETE
TZ06	Located on Pennsylvania St. on the east side beginning at a point 70 feet north of the north curb line of Vermont St. to a point 115 feet north of the north curb line of Vermont St.	2	45 ft.	NSS 6-9 & 3-6	DELETE
TZ07	Located on Delaware St. on the east side beginning at a point 160 feet north of the north curb line of Washington St. to a point 201 feet north of the north curb line of Washington St.	2	41 ft.	NPAT	DELETE

TZ08	Located on Capitol Ave. on the west side beginning at a point 145 feet from the south curb line of Maryland St. to a point 230 feet south of the south curb line of Maryland St.	4	85 ft.	NONE Parking Bay	RETAIN
TZ09	Located on Illinois St. on the west side beginning at a point 106.8 feet from the south curb line of Ohio St. to a point 191.6 feet south of the south curb line of Ohio St.	4	84.8 ft.	NSS 3-6 P.M.	RETAIN
TZ10	Located on Pennsylvania St. on the west side beginning at a point 28 feet south of the south curb line of Market St. to a point 71 feet south of the south curb line of Market St.	2	43 ft.	NSS 6-9 & 3-6	RETAIN
TZ11	Located on Pennsylvania St. on the east side beginning at a point 161.5 feet north of the north curb line of Ohio St. to a point 226.5 feet north of the north curb line of Ohio St.	3	65 ft.	NSS	DELETE
TZ12	Located on Pennsylvania St. on the east side beginning at a point 126 feet south of the south curb line of North St. to a point 191 feet south of the south curb line of North St.	3	65 ft.	NSS	DELETE
TZ13	Located on Senate Ave. on the west side beginning at a point 339.5 feet south of the south curb line of Ohio St. to a point 384.5 feet south of the south curb line of Ohio St.	2	45 ft.	NONE	DELETE
TZ14	Located on Georgia St. on the north side beginning at a point 25 feet from the east curb line of Meridian St. to a point 70 feet east of the east curb line of Meridian St.	2	45 ft.	NONE	DELETE
TZ15	Located on Jackson Pl. on the north side beginning at a point 38 feet from the east curb line of Illinois St. to a point 78 feet east of the east curb line of Illinois St.	2	40 ft.	NONE	RETAIN

TZ16	Located on Capitol Ave. on the east side beginning at a point 313 feet north of the north curb line of Sixteenth St. to a point 358 feet north of the north curb line of Sixteenth St.	2	45 ft.	NSS	RETAIN
TZ17	Located on Alabama St. on the west side beginning at a point 406 feet north of the north curb line of North St. to a point 456 feet north of the north curb line of North St.	2	50 ft.	NSS 7-9 A.M.	DELETE
TZ18	Located on the Public Access Dr. to the Main Entrance of the Indiana University Hospital, 1100 W. Michigan St. on the south side of said drive, beginning at a point 186 feet west of the west curb.	2	45 ft.	---	---
TZ19	Located on Meridian St. on the west side beginning at a point 45 feet south of the south curb line of Thirty-Third St. to a point 135 feet south of the south curb line of Thirty-Third St.	4	90 ft.	NSS 6-9 A.M.	RELOCATE & EXPAND
TZ20	Located on the Public Parking Lot (10th & Locke St.), in unmetered angle parking stalls reserved for official vehicles only, specifically 167 feet east of a line formed by the centerline of the old Tenth St. Emergency Entrance to Wishard Hospital.	2	Parking Stalls	NONE	DELETE

“(b) Between the hours of 6:00 a.m. and 10:00 p.m. it shall be unlawful for any vehicle, other than a licensed taxicab, in service and attended, to park or stop in a designated and posted taxicab stand.”

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

PROPOSAL NO. 635, 1980. Councillor West reported that this proposal authorizes changes in the personnel compensation schedule of the Marion County Superior Court, Criminal Division, Room IV, and that the Public Safety and Criminal Justice Committee, on January 27, 1981, recommended the full Council “Strike” Proposal No. 635, 1980; the motion carried by a vote of 6-0. Councillor West then moved to strike Proposal No. 635, 1980; the motion carried by a unanimous voice vote.

President SerVaas relinquished the gavel to Vice President Clark.

PROPOSAL NO. 643, 1980. Councillor McGrath reported that this proposal designating Northern Avenue as one-way from Boulevard Place to Cornelius Avenue received a "Do Pass As Amended" recommendation by a vote of 7-0 in the Transportation Committee. Councillor McGrath moved, seconded by Councillor Howard, for adoption of this proposal. Proposal No. 643, 1980, As Amended, was then adopted on the following roll call vote; viz:

21 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Mr. Schneider, Mrs. Stewart, Mr. Strader, Mr. Vollmer, Mr. West

NO NAYS

8 NOT VOTING: Mr. Cottingham, Mrs. Coughenour, Mr. Hawkins, Mr. Holmes, Mrs. Journey, Mrs. Parker, Dr. SerVaas, Mr. Tintera

Proposal No. 643, 1980, As Amended, was retitled GENERAL ORDINANCE NO. 15, 1981, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 15, 1981**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", establishing Northern Avenue as one-way from Boulevard Place to Cornelius Avenue. (Amends Code Sections 29-166 and 29-92.)

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-166, "One-way streets and alleys designated", be, and the same is hereby amended by the addition of the following, to wit:

**WESTBOUND**

Northern Avenue, from Boulevard Place to Cornelius Avenue

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

Base Map	Intersection	Preferential	Type of Control
18 pg 1	Boulevard Pl & Northern Ave.	Boulevard Pl	Stop

SECTION 3. Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County, Indiana", for violations for the sections amended by this ordinance.

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

PROPOSAL NO. 28, 1981. This proposal modifies various provisions dealing with city and county personnel policy; it received a "Do Pass As Amended" vote of 3-1-1 in the Administration Committee meeting. Councillor Dowden moved, seconded by Councillor Coughenour, to Table this proposal in Council. Proposal No. 28, 1981, As Amended, was then tabled on the following roll call vote; viz:

23 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Mrs. Stewart, Mr. Strader, Mr. Vollmer, Mr. West*

NO NAYS

6 NOT VOTING: *Mrs. Coughenour, Mr. Holmes, Mr. Howard, Mr. Jones, Dr. SerVaas, Mr. Tintera*

PROPOSAL NO. 29, 1981. This proposal transfers \$5,500 in the County General Fund for the lease/purchase of a duplicating machine; it received a "do pass" recommendation from the Community Affairs Committee. Councillor Dowden moved, seconded by Councillor Howard, for adoption of this proposal. Proposal No. 29, 1981, was then adopted on the following roll call vote; viz:

24 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rhodes, Mr. Schneider, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West*

NO NAYS

5 NOT VOTING: *Mrs. Coughenour, Mr. Hawkins, Mr. Jones, Mr. Rader, Dr. SerVaas*

Proposal No. 29, 1981, was retitled FISCAL ORDINANCE NO. 9, 1981, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 9, 1981**

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1981 (City-Council Fiscal Ordinance No. 73, 1980) transferring and appropriating Five Thousand Five Hundred dollars (\$5,500) in the County General Fund for purposes of the Marion County Cooperative Extension Service and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purpose of providing funds for the lease/purchase of a duplicating machine which will enable the office to meet their current and future requirements.

SECTION 2. The sum of Five Thousand Five Hundred dollars (\$5,500), 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:

COOPERATIVE EXT.	COUNTY GENERAL
SERVICE	FUND
24. Current Charges	<u>\$5,500</u>
Total Increases	\$5,500

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

COOPERATIVE EXT.	COUNTY GENERAL
SERVICE	FUND
21. Contractual Services	\$3,500
50. Properties	<u>2,000</u>
Total Reductions	\$5,500

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

PROPOSAL NO. 31, 1981. Councillor Tintera reported that this proposal authorizes proceeding with economic development bond financing for the Vem Havens & Don Kosten Project in the amount of \$300,000. There were technical amendments made during the Economic Development Committee hearing, at which time it received a "do pass as amended" recommendation. Councillor Tintera moved for adoption. The President called for the vote and Proposal No. 31, 1981, As Amended, was then adopted on the following roll call vote; viz:

21 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West

NO NAYS

8 NOT VOTING: Mr. Campbell, Mr. Dowden, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Page, Dr. SerVaas, Mrs. Stewart

Proposal No. 31, 1981, As Amended, was retitled SPECIAL RESOLUTION NO. 16, 1981, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1981

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

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities and said facilities to be either sold or leased to Developers or the funds from said financing to be loaned to Developers and said facilities to be directly owned by the Developers and leased or sub-leased to Users; and

WHEREAS, Vern Havens & Don Kosten (the "Developers") have advised the Indianapolis Economic Development Commission and the City that they propose that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Developers or loan the proceeds of an economic development financing to the Developers for the same, said economic development facilities to be an approximately 52,000 square foot warehouse for storage of electrical equipment and supplies for later distribution, and the machinery and equipment to be installed therein to be located at 550 South Capitol Avenue, Indianapolis, Indiana, on an approximate 1.78 acre tract of land (the "Project") which will be used by Vern Havens, Inc. and K & H Sales, Inc. ("Users"); and

WHEREAS, Vern Havens, Inc. and K & H Sales, Inc. will guarantee payment of the bonds if required by the bondholders; and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 2 new jobs at the end of one year and 8 new jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

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

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

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

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

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$300,000 under the Act to be privately placed and to be guaranteed by Vern Havens, Inc. and K & H Sales, Inc. if required by the bondholders for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Developers or the loaning of the proceeds of such financing to Vern Havens and Don Kosten (the "Developers") and the use of the project by Vern Havens, Inc. and K & H Sales, Inc. (the "Users") for such purposes will serve the public purposes referred to above, in accordance with the Act.

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

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Developers of moneys expended by the Developers for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to

finance said Project, and the City will thereafter lease the same to the Developers or loan the proceeds of such financing to the Developers for the same purpose or sell the same to the Developers.

PROPOSAL NO. 32, 1981. Councillor Tintera reported that this proposal authorizes proceeding with economic development bond financing for CAC Realty in the amount of \$375,000, and that this proposal had been heard by the Economic Development Committee and received a "do pass" recommendation. Councillor Tintera moved that Proposal No. 32, 1981, be adopted. Proposal No. 32, 1981, was then adopted on the following roll call vote; viz:

18 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rhodes, Mr. Tintera, Mr. Vollmer, Mr. West  
NO NAYS

11 NOT VOTING: Mr. Dowden, Mr. Durnil, Mr. Hawkins, Mr. Jones, Mrs. Journey, Mrs. Parker, Mr. Rader, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader

Proposal No. 32, 1981, was retitled SPECIAL RESOLUTION NO. 17, 1981, and reads as follows:

#### CITY—COUNTY SPECIAL RESOLUTION NO. 17, 1981

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

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

WHEREAS, C.A.C. Realty, an Indiana General Partnership (the "Developer"), has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Developer or loan the proceeds of an economic development financing to the Developer for the same, said economic development facilities to be an approximately 14,500 square foot building for use in the mechanical contracting business with storage space and office space, the machinery and equipment to be installed therein and certain site improvements, all to be located at 2120 East National Avenue, Indianapolis, Indiana, on an approximate 1.5 acre tract of land (the "Project") which facilities will be used by Crossroads Airconditioning Corp. (the "User"); and

WHEREAS, John A. Westrick Jr. and Leonard D. Shuck will guarantee payment of the bonds if required by the bondholders; and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 10 new jobs at the end of one year and 15 new jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

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

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

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

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

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$375,000 to be privately placed under the Act and the guarantee of the bonds by John A. Westrick, Jr. and Leonard D. Shuck if required by the bondholders for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to C.A.C. Realty, an Indiana General Partnership (the "Developer"), or the loaning of the proceeds of such financing to the Developer and the use of the project by Crossroads Airconditioning Corp. (the "User") for such purposes will serve the public purposes referred to above, in accordance with the Act.

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

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

PROPOSAL NO. 33, 1981. Councillor Tintera reported that this proposal authorizes the issuance of \$600,000 economic development revenue bonds for Ferguson Steel Co., Inc., and that it had been heard and passed unanimously in the Economic Development Committee. Councillor Tintera moved that Proposal No. 33, 1981, be adopted. Proposal No. 33, 1981, was then adopted on the following roll call vote; viz:

22 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rhodes, Mr. Schnieder, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West

NO NAYS

7 NOT VOTING: Mr. Boyd, Mr. Dowden, Mr. Hawkins, Mr. Jones, Mrs. Journey, Mr. Rader, Dr. SerVaas

Proposal No. 33, 1981, was retitled SPECIAL ORDINANCE NO. 2, 1981, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 2, 1981**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Mortgage Revenue Bond (Ferguson Steel Co., Inc., Project)" in the principal amount of Six Hundred Thousand Dollars (\$600,000) approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Ferguson Steel Co., Inc., and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on January 7, 1981, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities for Ferguson Steel Co., Inc., complies with the purposes and provisions of Indiana Code 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Promissory Note, Real Estate Mortgage, Guaranty Agreement, Security Agreement, Bond Purchase Agreement, and Loan Agreement, by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of a revenue bond, the loan of the net proceeds thereof to Ferguson Steel Co., Inc. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Ferguson Steel Co., Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 18-6-4.5.

SECTION 2. The forms of the Loan Agreement, Real Estate Mortgage, Guaranty Agreement, Security Agreement, Promissory Note and Bond Purchase Agreement approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller.

**SECTION 3.** The City of Indianapolis shall issue its Economic Development Mortgage Revenue Bond (Ferguson Steel Co., Inc. Project) in the principal amount of Six Hundred Thousand Dollars (\$600,000) for the purposes of procuring funds to loan to Ferguson Steel Co., Inc., in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Ferguson Steel Co., Inc. on its promissory note which will be executed and delivered by Ferguson Steel Co., Inc., to evidence and secure said loan, and as otherwise provided in the Financing Agreement. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

**SECTION 4.** The Mayor, City Clerk and/or City Controller is authorized and directed to sell the City of Indianapolis Economic Development Mortgage Revenue Bond (Ferguson Steel Co., Inc., Project) at a price not less than 100% of the principal amount thereof and at a stated per annum interest rate equal to 70% of the Prime Commercial Rate of American Fletcher National Bank and Trust Company; provided, however, as described in the Bond Purchase Agreement, should a Determination of Taxability occur with respect to such Bond, the rate of interest on such Bond may be increased to a per annum interest rate equal to the Prime Commercial Rate of American Fletcher National Bank and Trust Company plus 1 1/2%.

**SECTION 5.** The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and City Clerk on the Bond shall be manual signatures. The City Clerk or City Controller is authorized to arrange for the delivery of such Bond to the purchaser thereof, American Fletcher National Bank and Trust Company.

**SECTION 6.** The provisions of this ordinance and the Bond Purchase Agreement securing the Bond shall constitute a contract binding between the City of Indianapolis and the holder of the City of Indianapolis, Indiana, Economic Development Mortgage Revenue Bond, (Ferguson Steel Co., Inc. Project), and after the issuance of said Bond, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as any portion of said Bond or the interest thereon remain unpaid.

**SECTION 7.** This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 18-4-5-2.

PROPOSAL NO. 34. 1981. Councillor Parker reported that this proposal approves an additional expenditure of \$141,720 in the budget of the Capital Improvements Board of Managers and that it had been recommended "do pass" by the Municipal Corporations Committee. Councillor Parker moved that Proposal No. 34, 1981, be adopted. Proposal No. 34, 1981, was then adopted on the following roll call vote, viz:

23 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Mrs. Stewart, Mr. Strader, Mr. Vollmer, Mr. West*

NO NAYS

6 NOT VOTING: *Mr. Dowden, Mr. Hawkins, Mr. Jones, Mrs. Journey, Dr. SerVaas, Mr. Tintera*

Proposal No. 34, 1981, was retitled GENERAL RESOLUTION NO. 1, 1981, and reads as follows:

**CITY—COUNTY GENERAL RESOLUTION NO. 1, 1981**

A GENERAL RESOLUTION modifying the operating budget of the Capital Improvements Board of Managers of Marion County, Indiana, by amending City-County General Resolution No. 5, 1980, As Amended.

WHEREAS, IC 1971, 18-4-17-7 empowers the City-County Council to amend the budget of the Capital Improvements Board of Managers of Marion County; and

WHEREAS, the Capital Improvements Board of Managers of Marion County has requested an approval for an additional expenditure for 1981 in the General Fund for the payment of the computer support service contract and the purchase of an energy management system; now, therefore:

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

SECTION 1. City-County General Resolution No. 5, 1980, As Amended, is amended by allowing the following additional expenditure:

Services, Contractual	\$14,870
Properties	<u>126,850</u>
Total Additional Expenditure	141,720

PROPOSAL NO. 35, 1981. Councillor West stated that this proposal authorizes changes in the personnel compensation schedule of the Marion County Superior Court, Juvenile Division, and received a "do pass as amended" recommendation from the Public Safety and Criminal Justice Committee. Councillor West moved that Proposal No. 35, 1981, As Amended, be adopted. Proposal No. 35, 1981, As Amended, was then adopted on the following roll call vote; viz:

23 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Mrs. Stewart, Mr. Strader, Mr. Vollmer, Mr. West*

NO NAYS

6 NOT VOTING *Mr. Dowden, Mr. Durnil, Mr. Howard, Mr. Jones, Dr. SerVaas, Mr. Tintera*

Proposal No. 35, 1981, As Amended, was retitled FISCAL ORDINANCE NO. 10, 1981, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 10, 1981**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-Council Fiscal Ordinance No. 73, 1980) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Superior Court, Juvenile Division.

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

SECTION 1. Section 2.03 (b) of the City-County Fiscal Ordinance No. 73, 1980, be amended by deleting the crosshatched portions and adding the new amounts herein:

(b)(4) MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION

PERSONNEL CLASSIFICATION	MAXIMUM NUMBER	MAXIMUM SALARY	MAXIMUM PER CLASSIFICATION
Judge	1	10,400	10,400
Administrators	3	30,091	81,201
Asst. Admini.	3	22,819	60,710
Managers	12	21,026	216,802
Asst. Managers	15	18,067	204,114
Secretaries	5	11,382	47,896
Clerk Typists	28	10,388	214,516
Referees - Part Time	5	13,797	<del>68,492</del> 82,782
Referees	1	27,500	27,500
Court Reporters	8	17,930	138,585
Bailiffs	8	14,056	<del>112,448</del> 89,997
Household	11	11,447	111,277
Nurses	4	12,689	45,283
Probation	76	19,272	922,849
Child Care	71	13,178	694,730
Professional Staff	5	23,964	108,313
Maintenance Staff	15	10,668	115,746
Clerk Typist (CETA)	3	8,452	24,382
Child Care (CETA)	11	8,675	95,435
Household (CETA)	2	8,316	16,632
Asst. Engineers (CETA)	3	7,265	21,897
Jury Per Diem			8,000
Overtime			35,000
Temporary Help			25,000
Vacancy Factor-Non CETA			<del>(214,460)</del> (244,860)

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 \$3,154,187.

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

PROPOSAL NO. 38, 1981. Councillor West stated that this proposal authorizes the creation of a First Offender Program in the Municipal Court, and received a "do pass" recommendation from the Public Safety and Criminal Justice Committee. Councillor West moved that Proposal No. 38, 1981, be adopted. Proposal No. 38, 1981, was then adopted on the following roll call vote; viz:

22 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Mrs. Stewart, Mr. Strader, Mr. Vollmer, Mr. West

NO NAYS

7 NOT VOTING: Mr. Dowden, Mr. Howard, Mr. Jones, Mrs. Parker, Mr. Schneider, Dr. SerVaas, Mr. Tintera

Proposal No. 38, 1981, was retitled GENERAL RESOLUTION NO. 2, 1981, and reads as follows:

CITY—COUNTY GENERAL RESOLUTION NO. 2, 1981

A GENERAL RESOLUTION authorizing the creation of a First Offender Program in the Municipal Court of Marion County.

WHEREAS, The Municipal Court of Marion County has sanctioned the operation of a pretrial diversion program for first offender misdemeanants which has served the community since October 1, 1976, and has gained the approbation of the Prosecutor and Judges; and

WHEREAS, The First Offender Program has been funded primarily by Federal Grants which shall not be available in the future; and

WHEREAS, It has been determined that the First Offender Program can be self-supporting by requiring participating defendants to pay reasonable fees for the services received; now, therefore:

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

SECTION 1. The Municipal Court of Marion County is hereby authorized to create and implement a First Offender Program.

SECTION 2. The Presiding Judge of the Municipal Court of Marion County (Judge) shall be responsible for implementing the First Offender Program. The Judge shall define and disseminate eligibility criteria for participation in the program.

SECTION 3. The participants in the First Offender Program shall pay the following fees to the Clerk of the Marion County Circuit Court for deposit in the County General Fund:

a) A non-refundable application fee of Fifteen Dollars (\$15.00).

b) A service fee of One Hundred Twenty Dollars (\$120.00) for participation in the First Offender Program. This fee may be paid in whole or on a periodic basis; however, the total fee shall be paid before the case can be closed. (Fees may be reduced or waived according to a posted schedule authorized by the Judge).

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

PROPOSAL NO. 39, 1981. Councillor West reported that this proposal transfers \$11,500 in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division, and had received a "do pass" recommendation from the Public Safety and Criminal Justice Committee. Councillor West moved that Proposal No. 39, 1981, be adopted. Proposal No. 39, 1981, was then adopted on the following roll call vote; viz:

22 YEAS: *Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Holmes, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West*

NO NAYS

7 NOT VOTING: *Mr. Boyd, Mr. Dowden, Mr. Hawkins, Mr. Howard, Mr. Jones, Mr. Schneider, Dr. SerVaas*

Proposal No. 39, 1981, was retitled FISCAL ORDINANCE NO. 11, 1981, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-Council Fiscal Ordinance No. 73, 1980) transferring and appropriating Eleven Thousand Five Hundred dollars (\$11,500) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual Budget, Section 2.04 of the City-County Annual Budget for 1980, be, and is hereby amended by the increases and reductions hereinafter stated for the purpose of providing funds for the purchase of supplies which were placed in an incorrect classification.

SECTION 2. The sum of Eleven Thousand Five Hundred dollars (\$11,500) 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:

MARION COUNTY SUPERIOR COURT-JUVENILE DIVISION	COUNTY GENERAL FUND
22. Supplies	<u>\$11,500</u>
Total Increases	<u>\$11,500</u>

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

MARION COUNTY SUPERIOR COURT-JUVENILE DIVISION	COUNTY GENERAL FUND
24. Current Charges	<u>\$11,500</u>
Total Reduction	<u>\$11,500</u>

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

PROPOSAL NO. 40, 1981. Councillor West stated that this proposal authorizes changes in the personnel compensation schedule of the Marion County Superior Court, Civil Division, Room 5. Councillor West reported that this proposal adjusts the salary of the Assistant Court Reporter to pay that position in line with the other Court Reporter. Councillor Rhodes moved that Proposal No. 40, 1981, be adopted. Proposal No. 40, 1981, will remain on the agenda for the next Council meeting, due to the fact that three indecisive votes were taken.

10 YEAS: Mrs. Brinkman, Mr. Campbell, Mr. Coughenour, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. Page, Mr. Strader, Mr. Vollmer

13 NAYS: Dr. Borst, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Gilmer, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mrs. Parker, Mr. Rader, Mrs. Stewart, Mr. Tintera, Mr. West

6 NOT VOTING: Mr. Boyd, Mr. Dowden, Mr. Jones, Mr. Rhodes, Mr. Schneider, Dr. SerVaas

11 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mrs. Coughenour, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. Page, Mr. Strader, Mr. Vollmer

14 NAYS: Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Gilmer, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mrs. Stewart, Mr. Tintera, Mr. West

4 NOT VOTING: Mr. Boyd, Mr. Dowden, Mr. Schneider, Dr. SerVaas

11 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mrs. Coughenour, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. Page, Mr. Strader, Mr. Vollmer

14 NAYS: Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Gilmer, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mrs. Stewart, Mr. Tintera, Mr. West

4 NOT VOTING: Mr. Boyd, Mr. Dowden, Mr. Schneider, Dr. SerVaas

Vice President Clark then relinquished the gavel to President SerVaas.

Proposal No. 40, 1981, will be placed on the agenda of the full Council at their Regular Meeting on February 23, 1981.

PROPOSAL NO. 53, 1981. Councillor McGrath stated that this proposal transfers \$20,000 in the Parking Meter Fund for purposes of the Parking Meter Division, Department of Transportation. Councillor West moved to "postpone" Proposal No. 53, 1981, until the next Council meeting, seconded by Councillor Brinkman; the Council gave consent.

PROPOSAL NO. 55, 1981. Councillor Miller reported that this proposal establishes guidelines for employees deferred compensation program. The proposal received a "do pass" recommendation from the Administration Committee. Councillor Miller explained that this proposal provides for municipal employees to defer up to 25 percent of their income earned into this program and then receive that income after retirement, deferring taxes on that income until that time. Councillor Miller moved Proposal No. 55, 1981, for adoption. Proposal No. 55, 1981, was then adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Mr. Dowden, Mr. Schneider

Proposal No. 55, 1981, was retitled GENERAL RESOLUTION NO. 3, 1981, and reads as follows:

**CITY—COUNTY GENERAL RESOLUTION NO. 3, 1981**

**A GENERAL RESOLUTION establishing guidelines for a Deferred Compensation Program for City and County employees.**

**WHEREAS, The City-County Council in General Resolution No. 6, 1979, directed the Mayor, on behalf of the City of Indianapolis and Marion County, to investigate and establish a Deferred Compensation Program for the benefit of all eligible City and County employees and elected officials; and**

**WHEREAS, the Insurance Review Committee as established by City-County General Ordinance No. 172, 1970, has thoroughly reviewed numerous programs, consultants, and companies, and with the approval of the Mayor has selected the following program; now therefore:**

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

**SECTION 1. Employees may defer a minimum of \$25 a month up to the lesser of \$7,500 a year or 33 1/3% of includible compensation. This deferred income may be invested at the employees' option as follows:**

- a. Fixed Annuity. Currently earning 11½% interest with no front end charges to the employee, with a guaranteed interest rate of 3.75% interest.**
- b. Variable Annuity. A fund invested in common stocks which fluctuates with the market creating certain risks. Each employee will be charged a fee of 6% for the first \$5,000 deferred and 4% thereafter.**

**SECTION 2. The employee has the right to designate a beneficiary. In the event of an employee's death, the full value of the employee's account will become payable to the named beneficiary in lump sum or in equal payments.**

**SECTION 3. An employee may annually**

- a. Change his/her election to participate**
- b. amend the amount of compensation to be deferred**
- c. change his/her specification of an investment selection**
- d. change the payment option selected for the payment of benefits.**

**SECTION 4. Retirement. Employees may request at retirement a lump sum payment, may spread payments over certain periods, subject to applicable fees, or elect a life annuity operation at no charge.**

**SECTION 5. Termination. Employee, upon termination of employment, may withdraw money subject to applicable fees, or allow funds to remain in the plan until retirement, or may transfer accumulated funds to another plan of the same kind.**

**SECTION 6. Emergency Withdrawals. Employees may withdraw funds to the extent of certain hardships as determined by the applicable committee, or may withdraw from participation in the plan at any time, but may not re-enroll until the next enrollment.**

**SECTION 7. This resolution shall be effective upon adoption and signing by the Mayor.**

PROPOSAL NO. 82, 1981. Introduced by Councillor Page. Councillor Page requested that this proposal be heard during this session of the Council; consent was given. The Transportation Committee heard testimony associated with this proposal on February 4, 1981. Councillor Page stated that this proposal declares certain areas of priority within USCO's boundaries. He said that this proposal would assist the Department of Transportation in determining priority areas dealing with curbs

and sidewalks. Councillor Page noted that only the money "earmarked" that is already coming to those particular areas be used on the requested streets. Councillor Durnil pointed out that the 1981 money has already been allocated. Councillor Howard stated that USCO has already been to the Community Development Task Force. Councillor Miller moved, seconded by Councillor Nickell, to "Table" Proposal No. 82, 1981. Consent was given.

PROPOSAL NOS. 76-80, 1981. Rezoning ordinances certified from the Metropolitan Development Commission on January 23, 1981. Council consent was given by unanimous voice vote. Proposal Nos. 76-80, 1981, were then retitled REZONING ORDINANCE NOS. 18-22, 1981, respectively, and read as follows:

**REZONING ORDINANCE NO. 18, 1981 80-Z-165 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20  
11 EAST BIXLER ROAD, INDIANAPOLIS**  
Sherley G. and Dorthy Eads, by Raymond Good, request rezoning of 3.25 acres, being in A-2 district, to DP (Planned Unit Development) classification to provide for cluster housing.

**REZONING ORDINANCE NO. 19, 1981 80-Z-193 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20  
1154 DIVISION STREET, INDIANAPOLIS**  
Ronald M. Beck, by Halbert W. Kinz, requests rezoning of 1.41 acres, being in I-3-U district, to SU-7 classification, to provide for Volunteers of America shelter workshops and dormitory facilities for indigents and handicapped people.

**REZONING ORDINANCE NO. 20, 1981 80-Z-194 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 22  
502 EAST OHIO STREET, INDIANAPOLIS**  
John J. Dillon, by Rick Redman, requests rezoning of 0.39 acre, being in I-3-U district and Regional Center (Secondary) district, to CBD-2 classification, to provide for a law office.

**REZONING ORDINANCE NO. 21, 1981 80-Z-195 DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19  
6333 WEST THOMPSON ROAD, INDIANAPOLIS**  
Bruce C. and Barbara D. Fields, by Randall L. Chilcote, request rezoning of 0.85 acre, being in D-3 district, to C-1 classification, to provide for a dental office.

**REZONING ORDINANCE NO. 22, 1981 80-Z-196 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 8  
6331 CRAWFORDSVILLE ROAD, INDIANAPOLIS**  
Carl W. Ritchie, 4585 S. Harding St., requests rezoning of 2.00 acreea, being in A-2 district, to C-6 classification, to provide for construction of a motel.

PROPOSAL NOS. 89-94, 1981. Rezoning ordinances certified from the Metropolitan Development Commission on February 4, 1981. Council consent was given by unanimous voice vote. Proposal Nos. 89-94, 1981, were then retitled REZONING ORDINANCE NOS. 23-28, 1981, respectively, and read as follows:

**REZONING ORDINANCE NO. 23, 1981 81-Z-1 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 14**

**1934 NORTH SHADELAND AVENUE, INDIANAPOLIS**

Donald R. Hester and William T. Rees, d/b/a H & R Realty Co., by William T. Rees, request rezoning of 2.00 acres, being in D-4 district, to C-4 classification, to provide for commercial use.

**REZONING ORDINANCE NO. 24, 1981 81-Z-2 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1**

**2341 WEST 79TH STREET, INDIANAPOLIS**

Mid America Radio Inc., and the Estate of E.W. Johnson, jointly, by Joseph Reisweg, request rezoning of 33.30 acres, being in A-2 district, to SU-5 classification, to provide for the installation of a radio transmission tower and ancillary building and structures.

**REZONING ORDINANCE NO. 25, 1981 81-Z-8 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1**

**4501 WEST 56TH STREET, INDIANAPOLIS**

56th - Georgetown Land Trust, by Chris Barnes, by James R. Nickels, requests rezoning of 40.00 acres, being in DP district, to D-7 classification, to provide for multi-family residential use.

**REZONING ORDINANCE NO. 26, 1981 81-Z-9 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 9**

**3402-05 GRACELAND and 3402-09 CAPITOL AVENUES, INDIANAPOLIS**

City of Indianapolis, Department of Parks & Recreation, by Franz A. Strong, Dir., requests rezoning of 0.43 acre, being in C-4 and C-5 districts, to C-4 classification, to provide protection for existing landscaping of formal landscaped entrance into Crown Hill Cemetery.

**REZONING ORDINANCE NO. 27, 1981 81-Z-10 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 21**

**2532 WEST MORRIS STREET, INDIANAPOLIS**

Oliver and Josephine Foster, by Leonidas G. Condos, request rezoning of 0.50 acres, being in D-5 and C-4 districts, to C-ID classification, to provide for operation of a home improvement company and displays.

**REZONING ORDINANCE NO. 28, 1981 81-Z-11 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 18**

**4655 WEST WASHINGTON STREET, INDIANAPOLIS**

Deilla, Inc., by Leonidas G. Condos, requests rezoning of 0.36 acre, being in C-7 district, to C-ID classification, to conform zoning to construction office use.

**NEW BUSINESS**

President SerVaas announced that Councillor Miller had been selected as Majority Leader by the Majority Caucus. Councillor Clark moved, seconded by Councillor Jones, to elect Councillor Donald Miller to the position of Vice President of the Council. Council consent was given; and the petition was submitted to the Clerk.

**ANNOUNCEMENTS AND ADJOURNMENT**

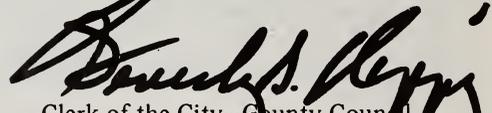
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:11 p.m.

We hereby certify that the above and foregoing is a full, true, and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, Indiana, held at its Regular Meeting on the 9th day of February, 1981.

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

ATTEST:

  
President

  
Clerk of the City-County Council

(SEAL)