

**CITY—COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, April 5, 1982**

A Regular Meeting of the City—County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City—County Building, at 7:24 p.m., Monday, April 5, 1982. President SerVaas in the Chair. Mrs. Joyce Brinkman opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

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

ABSENT: Page

CORRECTION OF THE JOURNAL

Councillor Durnil advised the Council of an error on Page 91 of the Journal of March 1, 1982, Proposal No. 57, 1982. He pointed out that this proposal was postponed until March 15, 1982, and not April 5, 1982, as recorded. There being no objection, the President advised the Clerk to correct the Journal of March 1, 1982, to read accordingly. The Chair then called for additions or corrections to the Journal of March 15, 1982. There being no additions or corrections, the minutes of March 15, 1982, were approved as distributed.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that there will be a REGULAR MEETING of the City—County Council held in the City—County Building, in the Council Chambers, on Monday, April 5, 1982, at 7:00 p.m. The purpose of such MEETING being to conduct any and all

business that may properly come before the regular meeting of the Council.

Respectfully,

s/Beurt SerVaas, President
City—County Council

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on March 18 and 25, 1982, a copy of GENERAL ORDINANCE NOS. 21 and 22, 1982, and SPECIAL RESOLUTION NO. 9, 1982.

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 March 25, 1982, and April 1, 1982, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 65 and 102, 1982, to be held on Monday, April 5, 1982, at 7:00 p.m in the City—County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 14, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional ninety-three thousand one hundred sixty-five dollars in the County General Fund for purposes of the Marion County Sheriff and the Marion County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 15, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) authorizing changes in the personnel compensation schedule (Schedule 2.03) of the Marion County Superior Court - Criminal Division - Probation Department.

FISCAL ORDINANCE NO. 16, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Superior Court - Probate Division.

GENERAL RESOLUTION NO. 2, 1982, modifying the operating budget of the Capital Improvements Board of Managers of Marion County, Indiana, by amending City-County General Resolution No. 7, 1981, as amended.

SPECIAL RESOLUTION NO. 10, 1982, honoring the Women's Varsity Basketball Team of Brebeuf Preparatory School.

SPECIAL RESOLUTION NO. 11, 1982, honoring David H. McVey.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

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

PROPOSAL NO. 127, 1982. Introduced by Councillor Tintera. This proposal honors U. L. Uebelhoer, who is retiring from service as a member of the Indianapolis Economic Development Commission. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 127, 1982, was adopted by unanimous voice vote, retitled **SPECIAL RESOLUTION NO. 12, 1982**, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 12, 1982

A SPECIAL RESOLUTION honoring U. L. Uebelhoer.

WHEREAS, U. L. Uebelhoer is retiring from service as a member of the Indianapolis Economic Development Commission; and

WHEREAS, U. L. Uebelhoer was nominated and began his valued service at the outset of the Commission in 1973; and

WHEREAS, Mr. Uebelhoer devoted great time and energies as a member of the Commission; and

WHEREAS, Mr. Uebelhoer added financial experience from his association with Inland Container Corporation and Time, Inc. to serve the needs of this 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 valued service and commitment fellow citizen U. L. Uebelhoer has offered this community and its businesses.

SECTION 2. The Mayor is invited to join with the Council by affixing his signature hereto.

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

INTRODUCTION OF GUESTS

Councillor Howard introduced Carl Mitchem, Scout Master for Troop 136. Councillor Brinkman introduced Randy Moorhead, Head of the Political Division, Board of Realtors. Councillor Jones introduced John Guy, Past President of the Indianapolis Jaycees, and his son, Checo Guy. Councillor Jones also introduced John Myrland, Vice President of Government Affairs for the Indianapolis Chamber of Commerce.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 114, 1982. Introduced by Councillor Strader. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Mary Lindsay to the Human Rights Commission"; and the President referred it to the Administration Committee.

PROPOSAL NO. 115, 1982. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Joyce Stout to the Human Rights Commission"; and the President referred it to the Administration Committee.

PROPOSAL NO. 116, 1982. Introduced by Councillor Parker. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing the issuance of tax anticipation time warrants for the County Welfare Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 117, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing the issuance of tax anticipation time warrants for the County General Fund"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 118, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE eliminating the building permit requirement for installation, maintenance and repair of storm windows and other exterior windows"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 119, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Juvenile Division"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 120, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$18,000 for the Juvenile Detention Center for coordination of exploration needs and staff training"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 121, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Juvenile Detention Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 122, 1982. Introduced by Councillors Brinkman, Cottingham, Gilmer, Holmes, McGrath, Parker, Rader, Rhodes, SerVaas, Stewart, Tintera, and West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE providing for an annual wheel tax and excise surtax on motor vehicles registered in Marion County"; and the President referred it to the Rules and Policy Committee. Due to the contents of the proposal, Councillor Schneider moved, seconded by Councillor Jones, to overrule the Chair by assigning the Proposal to the Transportation Committee. The motion failed on the following roll call vote; viz:

13 YEAS: Borst, Campbell, Clark, Dowden, Howard, Jones, Journey, McGrath, Nickell, Parker, Schneider, Stewart, Vollmer

15 NAYS: Boyd, Brinkman, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Miller, Rader, Rhodes, SerVaas, Strader, Tintera, West

1 NOT VOTING: Page

Councillor Stewart moved, seconded by Councillor Schneider, to have a joint meeting of the Rules and Policy and Transportation Committees. The motion was adopted on the following roll call vote; viz:

19 YEAS: Boyd, Campbell, Clark, Dowden, Durnil, Hawkins, Howard, Jones, Journey, McGrath, Nickell, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Vollmer

9 NAYS: Borst, Brinkman, Cottingham, Coughenour, Gilmer, Holmes, Miller, Tintera, West

1 NOT VOTING: Page

The President then stated that Proposal No. 122, 1982, would be heard by the joint Committee on Tuesday, April 21, 1982, at 5:00 p.m.

PROPOSAL NO. 123, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE which establishes a 4-way stop at the intersection of Canarroe Road and Normandy Boulevard and Arlington Avenue and Stop 11 Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 124, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the intersection controls in the North Pointe Bay Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 125, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the speed limit on North High School Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 126, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the speed limit on Lynhurst Drive"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 127, 1982. Introduced by Councillor Tintera. This proposal, which honors U. L. Uebelhoer, was adopted under Presentations of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 12, 1982.

PROPOSAL NOS. 128-130, 1982. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on March 18, 1982"; and the President referred them to the Committee of the Whole to be heard under Special Orders, Final Adoption.

MODIFICATION OF SPECIAL ORDERS

PROPOSAL NO. 131, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION rendering advice to the Hospital Authority regarding financing for Methodist Hospital in the amount of \$12,440,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 132, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the

issuance of a \$750,000 Economic Development First Mortgage Revenue Bond for Industrial Heat Treating & Metallurgical Co., Inc.”; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 133, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: “A Proposal for a SPECIAL RESOLUTION for an inducement resolution for Kenra Laboratories, Inc. in an amount not to exceed \$952,000”; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 134, 1982. Introduced by Councillor McGrath. The Clerk read the proposal entitled: “A Proposal for a SPECIAL RESOLUTION requesting the General Assembly to consider legislation to financially assist local units of government”; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 135, 1982. Introduced by Councillors Dowden and Vollmer. The Clerk read the proposal entitled: “A Proposal for a SPECIAL RESOLUTION honoring the Cathedral High School Basketball Team”; and the President referred it to the Committee of the Whole to be heard at the April 19 meeting of the Council.

PROPOSAL NO. 136, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$67,000 for Eagle Creek Division to upgrade services and maintain facilities”; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 137, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$58,450 for the Parks Maintenance Division for replacement of equipment and limited overtime”; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 138, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$60,192 for the Community Recreation Division for the Municipal Gardens Project”; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 139, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$38,800 for the Sports and Special Facilities Division for golf course rangers and increased utility costs”; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 140, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$305,000

for the Administration Division, to complete construction on the Lake Sullivan Facilities"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 141, 1982. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Larry Barrett to the Beech Grove Economic Development Commission"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 142, 1982. Introduced by Councillors West, Coughenour and Rhodes. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Carl R. Andrews, David Howell and Patricia Nickell to the Juvenile Detention Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 143, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing seven members to the Community Correction Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 144, 1982. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the County Welfare Department to execute a settlement agreement with Methodist Hospital"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 33, 1982. This proposal appropriates \$110,082 for the Sheriff to provide funds for Civil Deputies. Councillor West requested that Proposal No. 33, 1982, be postponed in Council until May 10, 1982. Council Consent was given.

PROPOSAL NO. 65, 1982. This proposal to approve the issuance of special taxing district bonds of the Park District in the amount of \$10,000,000, was tabled in Council on March 1, 1982. No action was taken.

PROPOSAL NO. 102, 1982. This proposal appropriates \$408 for the County Coroner to make payments on a new copy machine. Councillor Brinkman reported that the County and Townships Committee amended this proposal by increasing it to \$465 and making it a transfer of funds instead of a new appropriation. She explained that there was a balance in Character 4 which was transferred to Character 3. Councillor Brinkman moved, seconded by Councillor Borst, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 102, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 102, 1982, Committee Recommendations."

s/Councillor Brinkman

Council consent was given on the amendment. The President called for a public hearing at 7:56 p.m. There being no one present to testify, the President called for the vote. Proposal No. 102, 1982, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Nickell, Page

Proposal No. 102, 1982, As Amended, was retitled FISCAL ORDINANCE NO. 18, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Four Hundred Sixty-five dollars (\$465.00) in the County General Fund for purposes of the Marion County Coroner.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03(a)(5) of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of making rental payments on a new copy machine to be funded by an increase in copy charges.

SECTION 2. The sum of Four Hundred Sixty-five dollars (\$465.00), 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 appropriations are hereby approved:

MARION COUNTY CORONER	COUNTY GENERAL FUND
3. Other Services & Charges	\$465.00
Total Increase	\$465.00

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

MARION COUNTY CORONER	COUNTY GENERAL FUND
4. Capital Outlay	\$465.00
Total Reduction	\$465.00

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

SPECIAL ORDERS, UNFINISHED BUSINESS

PROPOSAL NO. 87, 1982. This proposal amends the Code dealing with Open Burning. Councillor Coughenour presented the report of the Economic Development and Public Works Committees, which met on March 8, 1982. She noted that the proposal had been amended in Committee to include single and double family dwellings. She then moved, seconded by Councillor Tintera, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 87, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 87, 1982, Committee Recommendations."

s/Councillor Coughenour

Council consent was given. Councillor Clark moved to further amend the proposal by extending the hours to allow burning from "10:00 a.m. till 7:00 p.m.," seconded by Councillor Boyd. Councillor Clark's motion failed on the following roll call vote; viz:

11 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Jones, Journey, McGrath, Schneider, Stewart*

17 NAYS: *Borst, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Miller, Nickell, Parker, Rader, Rhodes, SerVaas, Stader, Tintera, Vollmer, West*

1 NOT VOTING: *Page*

Councillor Coughenour moved, seconded by Councillor Rhodes, to vote on the main motion. Council consent was given. To clarify Councillor Coughenour's motion, Councillor West moved, seconded by Councillor Howard, that Proposal No. 87, 1982, Committee Recommendations, be substituted for the introduced version. The President then called for the vote. Proposal No. 87, 1982, As Amended, was adopted on the following roll call vote; viz:

19 YEAS: *Borst, Boyd, Campbell, Clark, Coughenour, Durnil, Gilmer, Holmes, Howard, Miller, Nickell, Parker, Rader, Rhodes, SerVaas, Strader, Tintera, Vollmer, West*

9 NAYS: *Brinkman, Cottingham, Dowden, Hawkins, Jones, Journey, McGrath, Schneider, Stewart*

1 NOT VOTING: *Page*

Proposal No. 87, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 23, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 23, 1982

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

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

SECTION 1. Section 4-1 of Article I of Chapter 4 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding the following definition:

Sec. 4-1. Definitions.

"Wood products" shall mean dry materials consisting of wood, boards, branches, brush, leaves, and other similar material.

SECTION 2. Article 3 of Chapter 4 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding new Sections 4-149 through 4-158 to read as follows:

Sec. 4-149. Open burning restricted: general prohibitions.

(a) It shall be unlawful at all times to cause, suffer or allow any open burning on any real estate zoned or used for multiple family dwellings, businesses, apartment complexes or mobile home parks.

(b) It shall be unlawful to cause, suffer or allow any open burning of any substance other than wood products at any place within Marion County except as permitted by Sections 4-150 through 4-154. Provided no person shall cause, suffer, allow, or permit the emission into the atmosphere of any substance or combination of substances from the burning of wood products as allowed therein in such quantities as to cause annoyance or constitute a nuisance so as to interfere with the health or well-being of any individual in his home or place of employment or recreation or as to interfere with the normal use and enjoyment of any such place.

Sec. 4-150. Residential burning limited.

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

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

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

(a) Ceremonial Fires and Bonfires -

A bonfire in connection with a religious ceremony, school pep rallies, scouting activities and similar purposes;

(b) Camp Fires and Fires for Cookouts

(c) Fire for Personal Comfort -

(i) Fires required for personal comfort;

(ii) A bonfire in connection with recreational activities including but not limited to sledding and ice skating;

(d) Open Burning of Agricultural Wastes -

(i) Open burning of plant life grown on the premises in the course of agricultural operations, when it can be shown that such open burning is necessary and that no fire hazard will occur, provided the person intending to dispose of plant life by open burning shall obtain approval from the fire department which has jurisdiction and shall also notify the Indianapolis Air Pollution Control Division of the actual time and location of the burning;

(ii) Any open burning permitted under the provision of this subsection shall be permitted only between the hours of 10:00 a.m. and 4:00 p.m., and only at times when the actual or forecast wind speed as given by the local National Weather Service is 5 miles per hour or greater.

(e) Indoor Stoves and Fireplaces -

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

Sec. 4-152. Fire training.

(a) The Administrator may authorize the intentional and controlled burning of up to eight (8) actual or simulated structures in Marion County, in any one calendar year, for the exclusive purpose of training fire department personnel concerning fire fighting and fire prevention. Persons responsible for burning as authorized hereunder shall remove such contents or portions of any structure or structures to be burned and shall, consistent with the purpose and adequacy of the training involved, minimize the emission of smoke or other air contaminants. Authorization by the Administrator shall be given only upon the basis of certification to the Administrator of the necessity of such training as would be permitted hereunder.

(b) Facilities which are designed for the training of fire fighting or fire prevention personnel may be utilized for controlled open burning for the exclusive purpose of training fire department personnel concerning fire fighting, fire rescue and survival and fire prevention as provided under the provisions of this paragraph. Any such facilities shall be constructed, maintained and operated only at such locations, according to such standards, and conditions and pursuant to such restrictions as shall be particularly authorized and approved by the Board with respect to each such facility. The Board's approval of any such facility and any standard, conditions and pursuant to such restrictions pertaining to it shall be set forth in a permit to be issued by the Board, which permit shall only be issued after a public hearing, notice of which shall be given before promulgation by the Board of any rules or regulations. In addition, the person or persons requesting such approval shall - not less than fifteen (15) days prior to the date of such hearing - either deliver personally or by registered or certified mail to the owner of all real estate located within one thousand (1,000) feet of the real estate boundaries of the proposed facility (as the names of such owners shall appear on the latest bound records of the appropriate township assessors), a notice setting forth the name of the petitioner, the time and place of the hearing and a general description of the proposed facility and its operation.

(c) The Administrator may authorize industrial fire training where such fires are properly supervised by a responsible person; provided, however, that the Administrator may require compliance with such general or special restrictions, standards, and qualifications as in the discretion of the Administrator are deemed advisable.

Sec. 4-153. Emergency burning.

(a) The Administrator may allow emergency burning of petroleum products, high explosive or other dangerous materials where such fires are properly controlled by a responsible person and are deemed necessary in the public interest.

(b) The Administrator may allow open burning of refuse consisting of material resulting from a natural disaster if the Mayor has declared such a natural disaster in the area.

Sec. 4-154. Variances.

Open burning not otherwise permitted by this regulation may be permitted with prior receipt of a variance application and approval by the Administrator of the Indianapolis Air Pollution Control Division. The petitioner may appeal a denial of a variance request to the Indianapolis Air Pollution Control Board.

Sec. 4-155. Liability.

Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution shall not be excused from responsibility therefore on the basis that such fire was accidental or an act of God.

Sec. 4-156. Enforcement.

This Article is enforceable by the Department of Public Works and/or the authorized designee of the Director of the Department of Public Works, any fire prevention officer, duly appointed pursuant to Division 2, Article 2, of Chapter 12 of this code (12-45 - 12-52), the Indianapolis Police Department, and the Marion County Sheriff's Department, acting on their own motion or at the request of the Department of Public Works.

Sec. 4-157. Penalties for violation of Article.

(a) A person violating this Article may be served by an authorized enforcement person with a citation. The violator may either admit liability to the violation and pay a penalty of Twenty-five (\$25.00) dollars, or the violator must appear in court on the date, place and time specified on the citation. Payment must be made within five (5) business days of the notification of violation, and may be mailed to or paid at the Department of Public Works at the address designated on the citation.

(b) If, in the opinion of the enforcement person, the violation is so substantial as to warrant a more severe penalty, the enforcement person may issue a Summons and Order to Appear which would require that the violator appear in court on the date, place and time specified on the Order to Appear. The enforcement person shall, when issuing a Summons and Order to Appear, provide the city prosecutor with copies thereof.

(c) Except as otherwise provided herein, any person convicted of a violation of this Article shall upon conviction be punished by a fine of not more than Two Thousand Five Hundred dollars (\$2,500).

(d) Upon the failure or refusal of the violator to pay the penalty of Twenty-five dollars (\$25.00), or appear on the date, place and time specified on the citation or Order to Appear, it shall be the duty of the enforcement person to report such failure or refusal to the city prosecutor together with all relevant information regarding the violation. Court proceedings against the violator shall then be brought in a manner provided by law.

SECTION 3. This ordinance shall expressly void and supersede Regulation III previously adopted by the Air Pollution Control Board.

SECTION 4. (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 5. Should any provision (section, paragraph, sentence, clause or or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 358, 1981. This proposal appoints Marian Barnett to the Human Rights Commission. Councillor Dowden reported that the Administration Committee on March 24, 1982, voted unanimously to strike this proposal. He moved, seconded by Councillor Gilmer, to strike Proposal No. 358, 1981. Council consent was given.

PROPOSAL NO. 43, 1982. This proposal amends the Code to expand the scope of the Internal Audit Division. Councillor Cottingham reported that the Rules and Policy Committee voted unanimously on March 22, 1982, to strike this proposal. Councillor Cottingham moved, seconded by Councillor Howard, to strike Proposal No. 43, 1982. Council consent was given.

PROPOSAL NO. 51, 1982. This proposal opposes termination of public/assisted housing. Councillor Durnil reported that the Metropolitan Development Committee voted on March 17, 1982, to adopt the staff corrected version. He moved, seconded by Councillor Parker, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 51, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 51, 1982, Committee Recommendations."

s/Councillor Durnil

Consent was given for the substitution. After brief discussion, Councillor Durnil moved, seconded by Councillor Parker, for adoption. Proposal No. 51, 1982, As Amended, was adopted on the following roll call vote; viz:

20 YEAS: Boyd, Brinkman, Campbell, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Nickell, Parker, Rader, Rhodes, SerVaas, Stewart, Strader, Tintera, Vollmer, West

3 NAYS: Clark, Dowden, Schneider

6 NOT VOTING: Borst, Cottingham, Jones, McGrath, Miller, Page

Proposal No. 51, 1982, As Amended, was retitled SPECIAL RESOLUTION NO. 13, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 13, 1982

A SPECIAL RESOLUTION expressing concern with the 1983 Federal Budget with respect to public/assisted housing, Community Development Block Grant, Urban Development Action Grant and Government National Mortgage Association Programs.

WHEREAS, the need to house low- and moderate-income residents in the City of Indianapolis is an ever-growing one as evidenced by current waiting lists for public housing of over 4,000 income-eligible families; and

WHEREAS, The Indianapolis Housing Authority (I.H.A.) is currently administering approximately 2,600 units of public housing which represents a \$64,000,000 investment by the Federal Government that needs to be preserved, but the 1983 Federal Budget calls for reduction in operating subsidies to public housing; and

WHEREAS, over 1,000 families are currently being housed in the private sector through the HUD-funded (state administered) Section 8 existing program, and another 2,000 income-eligible families are on the Marion County waiting list for Section 8 as of January, 1981, when the State stopped taking pre-applications, but the 1983 Federal Budget calls for an end to new construction of Section 8 assisted housing and calls for rescissions of projects budgeted for last year but not yet under construction; and

WHEREAS, the Community Development Block Grant (CDBG) program has been the primary vehicle for funding an array of worthwhile services and projects since 1974, including social services programs, street repairs and housing rehabilitation, but the 1983 Federal Budget does not propose any increase for CDBG programs, resulting in a reduction in real terms after adjusting for inflation; and

WHEREAS, the Urban Development Action Grant (UDAG) program provides localities with the vehicle for spurring private investment in our "disinvested" inner-cities for revitalization, thereby restoring life to our City's urban center, but the 1983 Federal Budget does not propose any increase for UDAG programs, also resulting in a reduction in real terms after adjusting for inflation; and

WHEREAS, the Government National Mortgage Association (GNMA), known as "Ginnie Mae," as a reprocessor of housing loans, such as FHA and VA mortgages, enables lending institutions to make additional loans, thereby providing a means for many young and moderate-income families to purchase homes, but the 1983 Federal Budget calls for a 20% reduction in funding for GNMA; and

WHEREAS, reductions in public/assisted housing, CDBG, UDAG, and GNMA programs would seriously affect the ability of this community to provide adequate housing for low and moderate-income families; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County, Indiana, expresses its concern with the proposed curtailment of the public/assisted housing activities, Community Development Block Grants, Urban Development Action Grants and the Government National Mortgage Association.

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

PROPOSAL NO. 71, 1982. This proposal provides for replacing 4-way stop signs at North Denny and East 15th Street with a 2-way stop control. Councillor Schneider reported that the Transportation Committee voted 6-0 in favor of this change. He moved, seconded by Councillor Hawkins, for adoption. Proposal No. 71, 1982, was adopted on the following roll call vote; viz:

20 YEAS: *Boyd, Campbell, Cottingham, Dowden, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Stewart, Vollmer, West*

NO NAYS

9 NOT VOTING: *Borst, Brinkman, Clark, Coughenour, Durnil, Page, Parker, Strader, Tintera*

Proposal No. 71, 1982, was retitled GENERAL ORDINANCE NO. 24, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 24, 1982

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 7.	N. Denny St. & E. 15th St.		4-way Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 7	N. Denny St. & E. 15th St.	N. Denny St.	Stop

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

PROPOSAL NO. 72, 1982. This proposal changes intersection controls at Arlington Avenue and Thompson Road from a 2-way stop to a 4-way stop. Councillor Schneider stated that the Transportation Committee had recommended passage of this proposal by a unanimous vote of 6-0. Councillor Schneider moved, seconded by Councillor McGrath, for adoption. Proposal No. 72, 1982, was adopted on the following roll call vote; viz:

22 YEAS: *Boyd, Brinkman, Campbell, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Parker, Rader, Rhodes, Schneider, SerVaas, Strader, Vollmer, West*

NO NAYS

7 NOT VOTING: *Borst, Clark, Dowden, Jones, Page, Stewart, Tintera*

Proposal No. 72, 1982, was retitled GENERAL ORDINANCE NO. 25, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 25, 1982

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40 Pg. 1	S. Arlington Ave. & E. Thompson Rd.	S. Arlington Ave.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40 Pg. 1	S. Arlington Ave. & E. Thompson Rd.	None	4-way Stop

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

PROPOSAL NO. 88, 1982. This proposal amends the Code requiring the Presidents of the Special Service Districts to be members of certain committees. Councillor Cottingham reported that the Rules and Policy Committee voted 4-1 to strike this proposal. Councillor Parker pointed out that her reasoning for introducing this proposal was so that the Presidents of the Special Service Districts would be better informed during the meetings. After discussion, Councillor Cottingham moved, seconded by Councillor Rhodes, to strike. Proposal No. 88, 1982, was stricken by consent of Council.

PROPOSAL NO. 89, 1982. This proposal amends the Code outlining the powers of the Vice President. Councillor Cottingham reported that the Rules and Policy Committee voted to strike this proposal by a vote of 3-1-1. Councillor Parker explained that it was her intention to define some of the duties of the Vice President in writing and include the duties in the Code. Councillor Cottingham moved, seconded by Councillor Clark, to strike this proposal. The President called for the vote and the motion failed on the following roll call vote; viz:

- 12 YEAS: *Campbell, Clark, Cottingham, Dowden, Durnil, Holmes, Miller, Rader, Schneider, SerVaas, Stewart, West*
- 15 NAYS: *Borst, Boyd, Brinkman, Coughenour, Gilmer, Hawkins, Jones, Journey, McGrath, Nickell, Parker, Rhodes, Strader, Tintera, Vollmer*
- 2 NOT VOTING: *Howard, Page*

Councillor Parker moved, seconded by Councillor Brinkman, to send Proposal No. 89, 1982, back to the Rules and Policy Committee for further consideration. The President called for the vote and the motion was defeated on the following roll call vote; viz:

11 YEAS: *Borst, Campbell, Gilmer, Holmes, Jones, Miller, Rader, Rhodes, SerVaas, Tintera, West*

16 NAYS: *Boyd, Brinkman, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Journey, McGrath, Nickell, Parker, Schneider, Stewart, Strader, Vollmer*

2 NOT VOTING: *Howard, Page*

Councillor Parker moved, seconded by Councillor Brinkman, for adoption. After discussion, Councillor Miller moved to table Proposal No. 89, 1982, indefinitely, seconded by Councillor West. After considerable discussion, the President called for the vote on the motion to table, which failed on the following indecisive roll call vote; viz:

13 YEAS: *Campbell, Clark, Cottingham, Dowden, Gilmer, Holmes, Miller, Rader, Schneider, SerVaas, Stewart, Vollmer, West*

14 NAYS: *Boyd, Borst, Brinkman, Coughenour, Durnil, Hawkins, Jones, Journey, McGrath, Nickell, Parker, Rhodes, Strader, Tintera*

2 NOT VOTING: *Howard, Page*

Councillor Tintera moved for reconsideration of sending Proposal No. 89, 1982, back to Committee, seconded by Councillor West. The motion to reconsider passed on the following roll call vote; viz:

15 YEAS: *Brinkman, Campbell, Clark, Cottingham, Dowden, Gilmer, Holmes, Miller, Rader, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*

9 NAYS: *Boyd, Durnil, Hawkins, Jones, Journey, McGrath, Nickell, Parker, Strader*

5 NOT VOTING: *Borst, Coughenour, Howard, Page, Rhodes*

Councillor Tintera then moved to send Proposal No. 89, 1982, back to the Rules and Policy Committee for further consideration, seconded by Councillor West. The motion was adopted on the following roll call vote; viz:

16 YEAS: *Campbell, Clark, Cottingham, Coughenour, Gilmer, Holmes, Journey, Miller, Rader, Rhodes, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*

11 NAYS: *Borst, Boyd, Brinkman, Dowden, Durnil, Hawkins, Jones, McGrath, Nickell, Parker, Strader*

2 NOT VOTING: *Howard, Page*

PROPOSAL NO. 90, 1982. This proposal supports the renewal of the Voting Rights Act of 1965. Councillor Cottingham reported that the Rules and Policy Committee recommended passage of this proposal by a vote of 4-0-1. He moved, seconded by

Councillor Journey, for adoption. After discussion, Councillor Boyd called for the question, seconded by Councillor Parker. The President called for the vote and Proposal No. 90, 1982, was adopted on the following roll call vote; viz:

20 YEAS: Borst, Boyd, Brinkman, Campbell, Cottingham, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Parker, Rhodes, Stewart, Strader, Tintera, Vollmer, West

5 NAYS: Dowden, Jones, Rader, Schneider, SerVaas

4 NOT VOTING: Clark, Coughenour, Howard, Page

Proposal No. 90, 1982, was retitled SPECIAL RESOLUTION NO. 14, 1982, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 1982

A SPECIAL RESOLUTION in support of the Renewal of the Voting Rights Act of 1965.

WHEREAS, the Voting Rights Act of 1965 has been justifiably heralded as one of the most significant and effective pieces of Civil Rights legislation in the history of the American Republic; and

WHEREAS, there is still ample evidence to support the fact that despite the effectiveness of the Voting Rights Act there yet persists abuses of the right to vote . . . particularly among Blacks, Hispanics and other historically disenfranchised groups in America; and

WHEREAS, the key provisions of the Voting Rights Act of 1965 are scheduled to expire August 6, 1982, thus leaving unaddressed and unattended some of the voting rights grievances of the aforementioned groups; and

WHEREAS, the renewal legislation currently before Congress has received the endorsement and enthusiastic support of major civil rights leaders and advocacy groups, such as the NAACP, the National Urban League, the Board of the National League of Cities, the League of Women Voters, the AFL-CIO, and many individuals of national prominence and reputation; and

WHEREAS, the keystone and most sacred promise of any democratic system is the guarantee of the equal expression of choice through the unencumbered right of citizens to cast ballots of equal weight; now, therefore:

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

SECTION 1. That by passage of this resolution and its distribution to our State's Representatives in both houses of Congress, the Indianapolis City-County Council asks said Congressional Representatives for their continuing support of the renewal of the Voting Rights Act of 1965 as it was passed out of the House of Representatives of the United States Congress.

SECTION 2. That by passage and adoption of this resolution, the Indianapolis City-County Council declares its own support for the renewal of the Voting Rights Act of 1965.

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

PROPOSAL NO. 95, 1982. This proposal changing parking controls on a portion of Ritter Avenue by eliminating four on-street parking spaces on the east side and three spaces on the west side, was recommended by the Transportation Committee for adoption. Councillor Schneider moved, seconded by Councillor Rader, for adoption. Proposal No. 95, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Coughenour, Dowden, Howard, Page*

Proposal No. 95, 1982, was retitled GENERAL ORDINANCE NO. 25, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 26, 1982

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

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Ritter Avenue, on the east side, from Washington Street to the First Alley north of Washington Street; and

Ritter Avenue, on the west side, from Washington Street to a point 116 feet north of Washington Street.

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

PROPOSAL NO. 96, 1982. This proposal changes parking controls on portions of Hudson Street and Massachusetts Avenue by installation of one-hour parking meters on the east side of Hudson Street and deletion of special parking privileges for any official vehicles of the United States Government on the northeast side of Massachusetts Avenue. Councillor Schneider reported that the Transportation Committee recommended passage by a vote of 6-0. He then moved, seconded by Councillor Rader, for adoption. Proposal No. 96, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Clark, Coughenour, Howard, Page*

Proposal No. 96, 1982, was retitled GENERAL ORDINANCE NO. 27, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 27, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 29, Section 29-266, (3) Special parking privileges for certain persons or vehicles in certain locations.

**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 29-266, (3) Special parking privileges for certain persons or vehicles in certain locations, be, and the same is hereby amended by deletion of the following, to wit:

Hudson Street, on the east side, from Miami Street to New York Street;

Massachusetts Avenue, on the northwest side, from the east curbline of the alley between Delaware Street and Alabama Street to a point 132 feet north-east of said east curbline.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-283, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

ONE HOUR

Hudson Street, on the east side, from Ohio Street to New York Street.

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

PROPOSAL NO. 103, 1982. This proposal authorizes the issuance of \$6,000,000 Economic Development First Mortgage Revenue Bonds for Yellow Freight System, Inc. Councillor Brinkman gave the Economic Development Committee report as Acting Chairman for the meeting. She reported that the Committee amended and recommended passage by a vote of 4-0-1. She then moved, seconded by Councillor Tintera, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 103, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 103, 1982, Committee Recommendations."

s/Councillor Brinkman

Consent was given. Councillor Brinkman noted that Yellow Freight System, Inc. would bring 188 new jobs to the City in the first year and 287 by the end of three years. After brief discussion, Councillor Brinkman moved, seconded by Councillor Tintera, for adoption. Proposal No. 103, 1982, As Amended, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

6 NOT VOTING: *Coughenour, Durnil, Howard, Jones, Page, Parker*

Proposal No. 103, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 5, 1982, and reads as follows:

CITY—COUNTY SPECIAL ORDINANCE NO. 5, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project)," in the aggregate principal amount of Six Million dollars (\$6,000,000) and approving and authorizing other actions in respect thereof.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report and a supplemental report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Yellow Freight System, Inc., and the Metropolitan Development Commission of Marion County and the Metropolitan School District of Wayne Township have commented thereon; and

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

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement and Promissory Note (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project), the Official Statement, Bond Purchase Agreement, Indemnity Letter, and the Mortgage and Indenture of Trust by Resolution adopted prior in time on 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 revenue bonds, the loan of the net proceeds thereof to Yellow Freight System, Inc. for the purpose of financing the economic development facilities under construction and renovation or to be constructed and renovated in Indianapolis, Indiana, and the repayment of said loan by Yellow Freight System, Inc. to be evidenced and secured by the Promissory Note of Yellow Freight System, 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 36-7-12.

SECTION 2. The forms of the Loan Agreement and Promissory Note (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), Official Statement, Bond Purchase Agreement, Indemnity Letter, Mortgage and Indenture of Trust, and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be

inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project), Official Statement, Bond Purchase Agreement, Indemnity Letter, and the Mortgage and Indenture of Trust are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project), in the aggregate principal amount of Six Million dollars (\$6,000,000) for the purpose of procuring funds to loan to Yellow Freight System, Inc. in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference which Series 1982 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Yellow Freight System, Inc. on its Promissory Note in the principal amount of Six Million dollars (\$6,000,000) which will be executed and delivered by Yellow Freight System, Inc. to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement and Mortgage and Indenture of Trust. The Series 1982 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis. It is recognized that the aggregate principal amount of Series 1982 Bonds herein authorized may not be sufficient to complete the economic development facilities and that the documents relating to the bond issue permit the issuance of additional bonds from time to time to complete the economic development facilities, to add to the economic development facilities, or to refund such bonds, if refunding such bonds is then permitted by law.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Series 1982 Bonds to Thorton, Farish & Gauntt at a stated per annum rate of interest on the Series 1982 Bonds not to exceed Eleven percent (11%) or such higher rate as may be provided for in the Loan Agreement and Mortgage and Indenture of Trust, and at a price not less than 98.283333% of the aggregate principal amount thereof plus accrued interest from March 1, 1982. It is expressly understood that Thorton, Farish & Gauntt will, pursuant to the Official Statement, offer the Series 1982 Bonds for sale at a discounted price and at a stated per annum rate of interest on the Series 1982 Bonds not to exceed Eleven percent (11%), or such higher rate as may be provided for in the Loan Agreement and Mortgage and Indenture of Trust.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project), Official Statement, Bond Purchase Agreement, Indemnity Letter, and the Mortgage and Indenture of Trust approved herein, and their execution is hereby confirmed on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Series 1982 Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Series 1982 Bonds to Thorton, Farish & Gauntt, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust. The Mayor and City Clerk may by their execution of the Financing Agreement, the Security Agreement and Indenture of Trust and imprinting of their facsimile signatures on the Series 1982 Bonds or their manual execution thereof, approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holders of the Economic Development First Mortgage Revenue Bonds, Series 1982 (Yellow Freight System, Inc. Project), and after the issuance of said Series 1982 Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holders so long as said Series 1982 Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 104, 1982. This proposal authorizes the issuance of \$8,000,000 Economic Development Revenue Bonds for Cummins Engine Company, Inc.

Councillor Brinkman reported that the Economic Development Committee amended and recommended passage by a vote of 4-0-1. She then moved, seconded by Councillor Clark, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 104, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 104, 1982, Committee Recommendations."

s/Councillor Brinkman

Consent was given. After discussion, Councillor Brinkman moved, seconded by Councillor Clark, for adoption. Proposal No. 104, 1982, As Amended, was then adopted on the following roll call vote; viz:

20 YEAS: *Borst, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Holmes, Jones, McGrath, Miller, Parker, Rader, Schneider, SerVaas, Stewart, Tintera, West*

6 NAYS: *Boyd, Hawkins, Journey, Nickell, Strader, Vollmer*

3 NOT VOTING: *Howard, Page, Rhodes*

Proposal No. 104, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 6, 1982, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project)," in the aggregate principal amount of Eight Million dollars (\$8,000,000) and approving and authorizing other actions in respect thereof.

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 Cummins Engine Company, 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 April 5, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Cummins Engine Company, Inc. complies with the purposes and provisions of Indiana Code 36-7-12, and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement and Promissory Note (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project), Guaranty, Bond Purchase Agreement, Agreement to Purchase, Contingent Purchase Agreement and the Security Agreement and Indenture of Trust by Resolution adopted prior in time on 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 revenue bonds, the loan of the net proceeds thereof to Cummins Engine Company, Inc. for the purpose of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, and the repayment of said loan by Cummins Engine Company, Inc. to be evidenced and secured by the Promissory Note of Cummins Engine Company, 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 36-7-12.

SECTION 2. The forms of the Loan Agreement and Promissory Note (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Guaranty, Bond Purchase Agreement, Agreement to Purchase, Contingent Purchase Agreement, Security Agreement and Indenture of Trust, and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project), the Guaranty, Bond Purchasing Agreement, Agreement to Purchase, Contingent Purchase Agreement, and Security Agreement and Indenture of Trust are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project), in the principal amount of Eight Million dollars (\$8,000,000) for the purpose of procuring funds to loan to Cummins Engine Company, Inc. in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference, which Series 1982 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Cummins Engine Company, Inc. on its Promissory Note in the principal amount of Eight Million dollars (\$8,000,000) which will be executed and delivered by Cummins Engine Company, Inc. to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Guaranty, Bond Purchase Agreement, Agreement to Purchase, Contingent Purchase Agreement, and Security and Indenture of Trust. The Series 1982 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis. It is recognized that the aggregate principal amount of Series 1982 bonds herein authorized may not be sufficient to complete the economic development facilities and that the documents relating to the bond issue permit the issuance of additional bonds from time to time to complete the economic development facilities, to add to the economic development facilities, or to refund such bonds, if refunding such bonds is then permitted by law. The City of Indianapolis acknowledges that such Series 1982 Bonds are being issued pursuant to the variable interest rate formulas set forth below because the fixed rate long term bond market interest rates are unacceptably high and further acknowledges that if the fixed rate long term bond market interest rates improve enough to justify refunding the Series 1982 Bonds with fixed rate long term bonds, the Company intends to seek such a refunding bond issue through the City of Indianapolis. In determining to seek the issuance of the Series 1982 Bonds at this time, the Company is motivated by the willingness of the City of Indianapolis to issue fixed rate long term refunding bonds at some point in the future, if the law so permits at the time.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Series 1982 Bonds to the original purchaser thereof at a price not less than 100% of the principal amount thereof, and at a stated per annum rate of interest on the Series 1982 Bonds equal to no less than fifty percent (50%) ("lowest rate") and no more than sixty-five percent (65%) ("highest rate") of the rate of interest publicly announced by Morgan Guaranty Trust Company of New York ("Morgan"), in New York, from time to time as its prime rate, (such rate formula to vary as set forth below, payable on January 1, April 1, July 1, and October 1 of each year, commencing on July 1, 1982, except as the provisions set forth in the Series 1982 Bond with respect to redemption prior to maturity

may become applicable thereto. Interest on the Series 1982 Bonds shall be paid at the lowest rate until first sold by the original purchaser thereof. If any Series 1982 Bond is sold by the original purchaser to a party other than Morgan, interest on such Series 1982 Bond shall be paid at the lowest rate. If any Series 1982 Bond is sold by the original purchaser thereof to Morgan, interest on that Series 1982 Bond shall be paid at the highest rate while owned by Morgan. If that Series 1982 Bond is sold by Morgan, interest on that Series 1982 Bond shall be paid at a rate per annum equal to a percentage between 50% and 65% of the rate publicly announced by Morgan in New York from time to time as its prime rate, such rate to be established by Morgan and the Company and approved by the Mayor of the Issuer and endorsed on the face thereof along with the effective date for such negotiated interest rate, and if no such rate is established such interest shall be paid at the lowest rate. Upon certain events as may be provided for in the Loan Agreement and Security Agreement and Indenture of Trust, any of the aforesaid interest rates may be set at a higher rate. In all cases interest is to be computed initially on the date of delivery of the Series 1982 Bonds and thereafter interest is to be computed at the end of business on the last day of each month and that rate shall be the rate on the Series 1982 Bonds for the ensuing month.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project), the Bond Purchase Agreement and the Security Agreement and Indenture of Trust approved herein, and their execution is hereby confirmed on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Series 1982 Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Series 1982 Bonds to the original purchaser thereof, payment for which will be made to the Trustee named in the Security Agreement and Indenture of Trust. The Mayor and City Clerk may by their execution of the Financing Agreement, the Bond Purchase Agreement, the Security Agreement and Indenture of Trust, and imprinting of their facsimile signatures on the Series 1982 Bonds, or their manual execution thereof, approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission, if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance, the Bond Purchase Agreement and the Security Agreement and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series 1982 (Cummins Engine Company, Inc. Project), and after the issuance of said Series 1982 Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Series 1982 Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 105, 1982. This proposal changes parking restrictions on a portion of Agnes Street by prohibiting parking on both sides of Agnes Street between Michigan and Blake Streets. Councillor Schneider reported that the Transportation Committee recommended passage of this proposal by a vote of 6-0. He moved, seconded by Councillor Jones, for adoption. Proposal No. 105, 1982, was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brinkman, Campbell, Cottingham, Coughenour, Dowden, Gilmer, Hawkins, Holmes, Jones, Journey, McGrath, Miller, Nickell, Parker, Rader, Schneider, SerVaas, Stewart, Vollmer, West*

NO NAYS

7 NOT VOTING: *Clark, Durnil, Howard, Page, Rhodes, Strader, Tintera*

Proposal No. 105, 1982, was retitled GENERAL ORDINANCE NO. 28, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 28, 1982

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

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Agnes Street on both sides from Michigan Street to Blake Street.

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

PROPOSAL NO. 106, 1982. This proposal changes the current 2-way control at the intersection of Rucker Road and 62nd Street to a 4-way stop. Councillor Schneider reported that the Transportation Committee recommended passage by a vote of 6-0. He then moved, seconded by Councillor Rader, for adoption. Proposal No. 106, 1982, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Campbell, Clark, Cottingham, Dowden, Gilmer, Hawkins, Holmes, Jones, Journey, McGrath, Miller, Nickell, Parker, Rader, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

6 NOT VOTING: *Brinkman, Coughenour, Durnil, Howard, Page, Rhodes*

Proposal No. 106, 1982, was retitled GENERAL ORDINANCE NO. 29, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 29, 1982

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

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

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

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
12 Pg. 6	Rucker Rd. & E. 62nd St.	E. 62nd St.	Stop

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

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
12 Pg. 6	Rucker Rd. & E. 62nd St.		4-way Stop

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

PROPOSAL NO. 113, 1982. This proposal requests a moratorium on the licensing of electronic game amusement arcades in Marion County. Councillor Dowden reported that the Administration Committee amended and approved this proposal by a vote of 3-1. He then moved, seconded by Councillor Clark, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 113, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 113, 1982, Committee Recommendations."

s/Councillor Dowden

Consent was given for substitution of the amended version. Councillor Dowden pointed out that the Committee heard testimony from law enforcement people, as well as representatives from the Prosecutor's office. He added that this proposal would place a 30-day moratorium on the licensing of electronic games. Councillor Jones moved to strike Proposal No. 113, 1982, seconded by Councillor Schneider. Councillor Clark then offered a further amendment by addition of the word "new" to electronic game amusement arcades, seconded by Councillor Rhodes. After discussion regarding a master vendor license, Councillor Schneider called for the vote on the motion to strike. The motion, which would close off debate by striking Proposal No. 113, 1982, failed on the following roll call vote; viz:

9 YEAS: *Borst, Coughenour, Dowden, Jones, Miller, Nickell, Rader, Rhodes, Schneider*

18 NAYS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Parker, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

2 NOT VOTING: *Howard, Page*

Councillor Clark again moved, seconded by Councillor Journey, to amend Proposal No. 113, 1982, by adding the word "new" to electronic game amusement arcades. This motion was adopted by voice vote of the Council. Councillor Schneider then moved, seconded by Councillor Jones, to further amend this proposal, as follows:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 113, 1982, Section 1, by adding:

“Any person, company, or corporation who has applied as of this date for a permit to operate electronic game amusement locations would be exempt from this moratorium.

s/Councillor Schneider

The motion failed on the following roll call vote; viz:

7 YEAS: *Brinkman, Coughenour, Holmes, Jones, Miller, Nickell, Schneider*
17 NAYS: *Boyd, Campbell, Clark, Cottingham, Durnil, Gilmer, Hawkins, Journey, McGrath, Parker, Rader, Rhodes, SerVaas, Stewart, Strader, Titnera, West*
5 NOT VOTING: *Borst, Dowden, Howard, Page, Vollmer*

Councillor Jones then called for the vote on his previous motion to strike Proposal No. 113, 1982. The motion to strike failed on the following roll call vote; viz:

9 YEAS: *Borst, Brinkman, Coughenour, Jones, Miller, Nickell, Rhodes, Schneider, SerVaas*
18 NAYS: *Boyd, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Parker, Rader, Stewart, Strader, Tintera, Vollmer, West*
2 NOT VOTING: *Howard, Page*

Councillor Clark moved, seconded by Councillor Boyd, for adoption of Proposal No. 113, 1982, As Amended. After further discussion, Councillor Gilmer called for the question, seconded by Councillor Parker. The President called for a vote to proceed with the adoption of Proposal No. 113, 1982, As Amended. Council consent was given, followed by adoption on the following roll call vote; viz:

17 YEAS: *Boyd, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Parker, Stewart, Strader, Tintera, Vollmer, West*
10 NAYS: *Borst, Brinkman, Coughenour, Jones, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas*
2 NOT VOTING: *Howard, Page*

Proposal No. 113, 1982, As Amended, was retitled SPECIAL RESOLUTION NO. 15, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 15, 1982

A SPECIAL RESOLUTION placing a moratorium on the licensing of new electronic games and amusement locations.

WHEREAS, there is concern about electronic games and amusement locations springing up indiscriminately throughout Marion County; and

WHEREAS, there is currently pending before the Metropolitan Board of Zoning Appeals Division III certain variance cases; and

WHEREAS, the Prosecutor, Stephen Goldsmith, is in favor of regulatory legislation to regulate new electronic games and amusement locations; and

WHEREAS, the Prosecutor, Stephen Goldsmith, is in favor of a moratorium on the licensing of amusement locations until such time the proposed regulatory legislation is in place; now, therefore:

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

SECTION 1. The City Controller is requested to place a moratorium on the licensing of new electronic games and amusement locations for a maximum period of thirty (30) days or until such time before the expiration of this resolution as the Council is able to fully consider the issue and make determinations as to the appropriateness of new regulatory legislation.

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

PROPOSAL NOS. 128-130, 1982. Rezoning Ordinances certified from the Metropolitan Development Commission on March 18, 1982. Proposal Nos. 128-130, 1982, were adopted by unanimous voice vote, retitled REZONING ORDINANCE NOS. 26-28, 1982, respectively, and read as follows:

**REZONING ORDINANCE NO. 26, 1982 82-Z-8 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
8165 FLOYD STREET, INDIANAPOLIS**

I.O.O.F. Lodge No. 739, by C.J. Simpson, requests rezoning of 0.13 acre, being in C-3 district, to C-4 classification, to provide for renewal use of the premises as a Lodge Hall with rental space for professional offices.

**REZONING ORDINANCE NO. 27, 1982 82-Z-19 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
1419 NORTH COUNTRY CLUB ROAD, INDIANAPOLIS**

James B. & Margaret A. Collins, by Monty Russell, requests rezoning of 1.50 acres, being in SU-18 district, to I-3-S classification, to extend back line of adjoining property to meet setback requirements.

**REZONING ORDINANCE NO. 28, 1982 82-Z-21 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 11
2429 EAST 38TH STREET, INDIANAPOLIS**

Lomar Enterprises, Inc., by Charles Blackwelder, requests rezoning of 1.35 acres, being in D-5 district, to C-5 classification, to provide for commercial use.

PROPOSAL NO. 144, 1982. This proposal authorizes the Marion County Welfare Department to execute a settlement agreement with Methodist Hospital. Councillor SerVaas explained that this basically states that the Council agrees with the settlement that has been reached and gives its authority to proceed. The attorneys involved agreed to settle for approximately half of the payment actually due in order

that the receipts could be included in Methodist Hospital's financial statements for fiscal year 1981; thereby allowing the Hospital to improve its position and obtain a lower interest rate on its upcoming bond issue. After lengthly discussion of the proposal, Councillor Brinkman moved, seconded by Councillor Durnil, to send this proposal to the Community Affairs Committee for further investigation. [Clerk's Note: President SerVaas had not acknowledged Councillor Durnil's second to the motion; therefore, Councillor Durnil called the President's attention to the fact that there was a second and asked that the Chair be overruled.] The President then called for a vote to overrule the Chair, followed by an indecisive roll call vote; viz:

14 YEAS: *Brinkman, Clark, Coughenour, Dowden, Durnil, Gilmer, Journey, Miller, Nickell, Parker, Schneider, Stewart, Strader, West*
13 NAYS: *Borst, Boyd, Campbell, Cottingham, Hawkins, Holmes, Jones, McGrath, Rader, Rhodes, SerVaas, Tintera, Vollmer*
2 NOT VOTING: *Howard, Page*

Councillor Brinkman moved, seconded by Councillor Durnil, to send Proposal No. 144, 1982, to the Community Affairs Committee. The President called for the vote. The motion failed on the following roll call vote; viz:

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

Councillor Boyd moved, seconded by Councillor Hawkins, for adoption. Proposal No. 144, 1982, was adopted on the following roll call vote; viz:

21 YEAS: *Boyd, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, McGrath, Miller, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
6 NAYS: *Borst, Brinkman, Jones, Journey, Nickell, Parker*
2 NOT VOTING: *Howard, Page*

Proposal No. 144, 1982, was retitled SPECIAL RESOLUTION NO. 16, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 16, 1982

A SPECIAL RESOLUTION authorizing the Marion County Welfare Department to execute a settlement agreement with Methodist Hospital.

WHEREAS, Methodist Hospital has provided medical services for certain persons and claims that the Marion County Welfare Department is obligated to pay for those services pursuant to Indiana Code 12-5-2-1, et seq., and 12-5-1-15; and

WHEREAS, the Marion County Welfare Department claims defenses to any obligations of payment under either statute for services rendered by Methodist Hospital; and

WHEREAS, Methodist Hospital has been granted judgments against the Marion County Welfare Department pursuant to Indiana Code 12-5-2-1, et seq., which have not been appealed, and has been granted judgments against the Marion County Welfare Department under Indiana Code 12-5-1-15 that are presently on appeal to the Indiana Appellate Court; and

WHEREAS, the law with respect to the obligation of the Department under Indiana Code 12-5-2-1, et seq., and 12-5-1-15, has been changed effective January 1, 1982, and, therefore, Methodist Hospital and the Marion County Welfare Department believe that the issues raised in controversy will no longer be in controversy with respect to services rendered or to be rendered after January 1, 1982; and

WHEREAS, the City-County Council of Indianapolis and Marion County believes that it is in the best interest of the Marion County Welfare Department and Marion County that these claims be settled and resolved; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County hereby authorizes the Marion County Welfare Department to execute a settlement agreement with Methodist Hospital on behalf of the department and the county. The terms of the agreement shall not obligate the department or the county to pay an amount in the aggregate in excess of 50 percent of the hospital's claims or \$2.7 million, whichever is less, and shall condition payment of that amount on the dismissal by mutual agreement of the department and the hospital of the present appeal from judgments in the Marion Circuit Court with respect to claims under Indiana Code 12-5-1-15 and an entry of stipulations in all the claims that the hospital is entitled to payment from the department in an amount in the aggregate not exceeding 50 percent of the claims or \$2.7 million, whichever is less; and

SECTION 2. The City-County Council of Indianapolis and Marion County hereby resolves that upon execution of that agreement, the Council will promptly authorize issuance of up to \$2.7 million in principal amount of judgment funding general obligation bonds to mature serially in approximately equal installments on or before January 1, 1987, with interest payable semi-annually, to pay in full the judgments obtained by Methodist Hospital that the hospital is willing to bid on such bonds at the rate of five percent (5%) per annum in exchange for its judgments, subject to the receipt by the hospital of a favorable opinion of bond counsel for the county that the bonds are valid obligations of the county, that said bonds are payable out of unlimited ad valorem taxes to be levied and collected on all of the taxable property in said county, that the interest on the bonds is exempt from federal income taxes, and that the bonds and the income therefrom are all exempt from all present Indiana taxes, except the state inheritance tax.

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

NEW BUSINESS

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:55 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 5th day of April, 1982.

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)