

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, November 19, 1979**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building, at 7:07 p.m., Monday, November 19, 1979, President SerVaas in the chair. Councillor Michael Vollmer 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: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, Mr. West

OFFICIAL COMMUNICATIONS

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

**TO THE 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, November 19, 1979, 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 on November 10, 1979, and November 17, 1979, and The Indianapolis COMMERCIAL on November 9, 1979 and November 16, 1979 a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 519, 530, 531, 532, 533, 1979 to be held on Monday, November 19, 1979, 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. 131, 1979, amending the City-County Annual Budget for 1979, transferring and appropriating one hundred five thousand dollars in the Consolidated County Fund for purposes of the Legal Division, Department of Administration and reducing certain other appropriations for that division and the Personnel Division.

GENERAL ORDINANCE NO. 121, 1979, amending the Code of Indianapolis and Marion County, Indiana, Section 22-2. Hours when parks are open to the public; unlawful entry. Provides that parks will now close at 11:00 p.m. instead of the existing time which is 12:00 midnight.

GENERAL ORDINANCE NO. 122, 1979, amending the Code of Indianapolis and Marion County, Indiana, by amending Section 20-10 to establish definite guidelines for use by police officers in the detention and search of suspicious persons.

GENERAL ORDINANCE NO. 123, 1979, establishing intersection controls at certain intersections.

SPECIAL RESOLUTION NO. 42, 1979, expressing the City-County Council's bereavement over the untimely death of Patrolman Gerald F. Griffin.

SPECIAL RESOLUTION NO. 43, 1979, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 44, 1979, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

PRESENTATION OF PETITIONS, MEMORIALS
SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 555, 1979. Councillor Howard moved, seconded by Councillor Boyd, that this proposal changing the name of portions of North West Street and Northwestern Avenue to "Martin Luther King, Jr. Avenue" and "Michigan Road" be advanced on the agenda and heard at this time. After a voice vote, Councillor Howard called for a Division of the House. A roll call vote was then taken on the motion to hear Proposal No. 555, 1979 at this session of the Council. The motion failed on the following roll call vote; viz:

12 AYES: Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Lyons, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Vollmer, Mr. Walters

16 NOES: Mr. Anderson, Mrs. Brinkman, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. West

1 NOT VOTING: Mrs. Coughenour

Councillor Parker requested that Proposal No. 534, 1979 be advanced on the agenda and heard at this time, however, at the request of President SerVaas she withdrew the request in the light of other pressing proposals for which the public was present.

INTRODUCTION OF GUESTS

Councillor Durnil introduced a newly-elected Councillor, Mrs. Pat Nickell, and her husband, Jim.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 548, 1979. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County, Indiana, specifically, "Section 23-25, Leave allowances generally;" provides for thirty-day transition period;" and the President referred it to the Administration Committee.

PROPOSAL NO. 549, 1979. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating One hundred fifty thousand dollars (\$150,000) in the Manpower Federal Program Fund for purposes of the Employment and Training Division, Department of Administration and reducing certain other appropriations for that division;" and the President referred it to the Administration Committee.

PROPOSAL NO. 550, 1979. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional Fifty-one thousand six hundred sixty-two dollars (\$51,662) in the County General Fund for purposes of the Marion County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 551, 1979. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating One hundred sixty thousand five hundred dollars and eleven cents (\$160,500.11) in the County General fund for purposes of the various county agencies and reducing certain other appropriations for those agencies;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 552, 1979. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a Special Resolution approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds;" and the President referred it to the Economic Development Committee.

PROPOSAL NO. 553, 1979. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a Special Resolution approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds;" and the President referred it to the Economic Development Committee.

PROPOSAL NO. 554, 1979. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating six thousand dollars (\$6,000) in the Consolidated County Fund for purposes of the Code Enforcement Division, Department of Metropolitan Development and reducing certain other appropriations for that division;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 555, 1979. Introduced by Councillors Howard and Vollmer. The Clerk read the proposal entitled: "A Proposal for a Special Resolution changing the name of West Street and Northwestern Avenue below 38th Street to 'Martin Luther King, Jr. Avenue';" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 556, 1979. Introduced by Councillor Lyons. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending Chapter 18 of the Code of Indianapolis and Marion County, specifically, "Section 2, 'Unlawful Noises,' regarding motorcycles;" and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 557, 1979. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating Forty-eight thousand twenty-two dollars (\$48,022) in the County General Fund for purposes of various county agencies and reducing certain other appropriations for those divisions;" and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 558, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County by amending Chapter 13, Article I concerning the control, deposit, removal and disposal of solid wastes, and repealing Chapter 13, Article II concerning private refuse dumps;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 559, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one million ninety-eight thousand dollars

(\$1,098,000) in the Sanitation General Fund for purposes of the Department of Public Works, Sanitary (Liquid Waste) division, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 560, 1979. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County, by amending Section 23-54 of Article V of Chapter 23 to allow the Board of Ethics to determine annually the rate of compensation earned by an employee which would qualify him to file a financial disclosure statement;" and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 561, 1979. Introduced by President SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution approving a schedule of regular council meeting for the year 1980;" and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 562, 1979. Introduced by President SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance fixing the compensation payable to council members of the City-County Council for the years: 1980, 1981, 1982, and 1983;" and the President referred it to the Rules & Policy Committee.

PROPOSAL NO. 563, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing intersection controls at certain intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 564, 1979. Introduced by Councillor McGrath. The Clerk read th proposal entitled: "A Proposal for a General Ordinance establishing intersection controls at certain intersection [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 565, 1979. Introduced by Councillor Lyons. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing intersection controls at certian intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 566, 1979. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County, Section 29-270, 'Parking prohibited during specified hours on certain days';" and the President referred it to the Transportation Committee.

PROPOSAL NO. 567, 1979. Introduced by Councillor Lyons. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing intersection controls at certain intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 568, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing intersection controls at certain intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NOS. 569-580, 1979. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposal for Rezoning Ordinances certified from the Metropolitan Development Commission on November 8, 1979;" and the President referred them to the Committee of the Whole to be heard under Special Orders - Final Adoption.

PROPOSAL NO. 581, 1979. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a Council Resolution authorizing the allocation of Public Service Employment expenditures from federal grants pursuant to the Comprehensive Employment and Training Act of 1973, as amended;" and the President referred it to the Administration Committee.

PROPOSAL NO. 582, 1979. Introduced by Councillor Lyons. The Clerk read the proposal entitled: "A Proposal for a Special Resolution calling upon the Indianapolis Air Pollution Control Board to adopt the following recommendations for changes in Regulation III, 'Open Buring Restrictions';" and the President referred it to the Public Works Committee.

MODIFICATIONS OF SPECIAL ORDERS

PROPOSAL NOS. 262, and 263, 1979. Council consent was given for these proposals to be heard together at this time. Councillor Clark moved, seconded by Councillor Durnil, that the Council recess to a Committee of the Whole to review these two proposals concerning cable television. The motion carried by

voice vote; the Council recessed to a Committee of the Whole at 7:31 p.m. President SerVaas explained that seven persons were present, representing interested groups; they would be allowed five minutes each for debate and to answer questions directed by the Councillors. Councillor West then gave the committee report on Proposal No. 262, 1979, explaining that this proposal provides for the Council to receive open bids for a franchise on the entire jurisdiction of Marion County. Councillor Durnil then gave the committee report on Proposal No. 263, 1979. Mr. Durnil pointed out that the two proposals were similar in the handling of public access channels, award fees, application fees, and the manner in which bids were to be advertised and accepted. The major difference in the two proposals, according to Councillor Durnil, is that Proposal No. 263, 1979, geographically restricts bidding for the cable franchise to the "old city limits" as defined in 1967. Councillor Brinkman and Mr. Durnil pointed out that this proposal does not attempt to legitimize the pre-existing 1967 franchise, but provides for insuring that cable television services will be provided residents of that franchising area if courts determine that the pre-existing franchise was improperly granted. Proposal No. 263 also gives the Council, by Resolution, the opportunity to reopen for bid, areas now covered by the existing franchise. Persons speaking in favor of Proposal No. 262, 1979, were: Mr. Michael Ruggiero, Cox Cable Communications; Mr. Phillip Nicely, Warner Cable Television Company; Mr. David Kinley, American Television Corporation; Mr. Fred Erickson, private citizen; Mr. Willard B. Ransom, Melvin Jackson, William Kingery, United Cable Technology Corporation; Mr. James Nyshimora, First Communications, Incorporated. Mr. Marvin Hackman of Indianapolis Cablevision Corporation supported Proposal No. 263, 1979. After discussion during which Councillors Gilmer and Boyd directed questions concerning bidding procedures, and the effects of passing both proposals, Councillor Durnil called for the question, seconded by Councillor Parker. Proposal No. 262, 1979, was then adopted by the Council on the following roll call vote; viz:

15 AYES: Mr. Campbell, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, Mr. West

14 NOES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Lyons, Mr. Patterson, Mr. Schneider, Mrs. Stewart

Proposal No. 262, 1979 was then retitled GENERAL ORDINANCE NO. 124, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 124, 1979

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, by adding a new Chapter 8 1/2 regulating the grant of cable television franchises, and regulating the construction, maintenance, and operation of cable television systems.

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 is hereby amended by adding a new Chapter 8½ to read as follows:

CHAPTER 8½: CABLE TELEVISION
Article I: General

Sec. 8½-1. Statutory Authority

Because the operation of a cable television system requires the permission of the City to use the public ways, the Council determines that it is proper and expedient to franchise such systems pursuant to IC 18-1-21-5 and IC 18-1-21-6.

The Council hereby finds that it is in the interest of the City that the public ways be used to make cable television available to the people of the City, but that the regulation of cable television operators is necessary due to the deficiency of market place forces in providing immediate, reliable, and efficient service at affordable rates. It is intended that the provisions of this chapter should facilitate and encourage orderly and responsible development of a system which will provide the people of the City with cable television service which is versatile, reliable, and efficient and which is available at affordable rates. The provisions of this chapter shall be construed liberally to further this purpose.

Sec. 8½-2. Definitions.

As used in this Chapter:

- (a) "Applicant" means any person who files an application with the Clerk under the terms of Sec. 8½-23 of this chapter.
- (b) "Board" means the Board of Public Works of the City.
- (c) "Cable television system" or "system" shall mean any system which receives and amplifies signals broadcast by one or more television and/or radio station and which transmits programming originated by the system itself or by another party, and distributes such signals and programming by wire, cable, microwave, satellite or other means to persons who subscribe to such service; provided, that "cable television system" or "system" does not include any similar system not requiring the use of public ways.
- (d) "Committee" means the Cable Television Committee of the City-County Council or any other committee given authority by the Council to perform those duties pursuant to this chapter.
- (e) "Franchise" means the non-exclusive rights to construct, operate, and maintain a cable television system.
- (f) "Operator" means a person granted a franchise by the City or by any predecessor, governmental officer, or organization authorized to grant such a franchise.
- (g) "Person" means and includes any natural person, partnership, corporation, association, or any other organization of natural persons.
- (h) "Public way" means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk, path, right-of-way or easements and any public utility easements or right-of-ways dedicated generally for public utility uses.
- (i) "Subscriber" means any person who contracts or agrees to purchase the regular subscriber service, pay television, or any other service provided by the cable television system, and includes anyone actually using such services.

(j) "Gross accrued revenues" means any and all compensation, in whatever form, exchange or otherwise, directly or indirectly received by the grantee, not including any taxes on services furnished by the grantee imposed directly on any subscriber or users by a city, county, state or other governmental unit, and collected by the grantee for such entity.

(k) "Clerk of the Council" or "Clerk" means Clerk of the City-County Council.

Sec. 8½-3. Administration and Enforcement.

The Board shall have the power and duty to:

(a) Execute franchising contracts under the terms and procedures provided in this chapter; and in the event that more than one franchise is granted within the city, to ensure that all systems are compatible.

(b) Promulgate any and all rules and regulations which it deems necessary to enable it to carry out its duties under this chapter; provided that, if within sixty (60) days after delivery of certification to the Clerk of the adoption of rules and regulations by the Board, the City-County Council shall by Council action disapprove or reject such rules and regulations, the adopted rules and regulations of the Board shall be of no effect and the rules and regulations shall remain as they were in effect prior to disapproval or rejection by the Council. If the Council does not act within the sixty (60) days after delivery of certification, the adopted rules and regulations by the Board shall become effective.

(c) Enforce the provisions of all franchises for any area of the City.

Sec. 8½-4. Previously Awarded Franchises.

Articles III, IV, V, VI, and VII of this chapter shall apply to all cable television systems whether such franchise was granted before or after the effective date of this chapter.

Should any operator, asserting cable television franchise rights within the City by reason of agreement entered into other than pursuant to this chapter, request amendment of such agreement, any amendment approved by or on behalf of the Council shall expressly require such amended franchise to be subject to this chapter.

In the event of conflicts between this chapter and the provisions of any cable television franchise granted prior to the effective date of this chapter, each provision of this chapter shall control unless that interpretation is judicially determined to be an unconstitutional impairment of the contract rights of the holder.

Article II: Board Authority and Application Procedures

Division 1. Authority

Sec. 8½-11. Authority to Approve Franchising Contracts.

Subject to the provisions of this article, the Board is hereby authorized to approve one or more non-exclusive franchising contracts conveying the right to construct, operate, and maintain, within the public ways in the City, poles, cables, and any other equipment necessary to the operation of a cable television system.

Division 2. Procedural Step

Sec. 8½-21. Initial Resolution.

Applications will not be accepted except following action by the Council determining that a franchise should be granted for all or a portion of the City.

Sec. 8½-22. Notice of Determination.

Within thirty (30) days after the determination that a franchise should be granted, the Clerk of the Council shall give notice of the determination by:

(a) Posting of that notice in three public places;

(b) Publication of that notice once each week for two (2) weeks in two newspapers of general circulation in the City; and

(c) Mailing of that notice to any person the Clerk knows to be interested in submitting an application, and publication in at least one newspaper of national circulation and in trade magazines or publications of the Cable Television industry.

Sec. 8½-23. Submission of Applications.

Within ninety (90) days after the posting or the first publication provided for in Sec. 8½-22, whichever occurs last, all interested persons shall file with the Clerk of the Council fifteen (15) copies of their application containing the terms of an offered franchising contract, all information necessary to evaluate each applicant and to compare each applicant with other applicants, and the proper requests for pole usage agreements with any utility. The application shall be in the form and contain the information required by the General Counsel of the City-County Council, and shall include a non-refundable bidding application fee of three thousand dollars (\$3,000), payable to the City of Indianapolis.

Sec. 8½-24. Applications and Public Documents.

All applications shall become public at the end of the ninety (90) day period in Sec. 8½-23, and the Clerk shall then make copies of the application available for immediate inspection by any person. The Clerk shall place in three (3) public libraries copies of the applications. Anyone may purchase copies of all or parts of any application upon payment of a charge of fifteen cents (\$.15) per page.

Sec. 8½-25. Public Hearings.

Within the thirty (30) days after the expiration of the period for filing applications, the Cable Television Committee of the Council shall conduct at least two hearings at which any person may comment on the various applications before the Committee. The Clerk shall publish notice in two newspapers of general circulation in the City seven days prior to each hearing. Any person wishing to comment at the hearing must file with the Clerk at least twenty-four (24) hours before the hearing, notice of their intent to comment.

Sec. 8½-26. Final Action by the Board.

Within one hundred and twenty (120) days after the final date for filing applications, the Cable Television Committee shall submit the applications with proper evaluation to the Board. The Board shall have forty-five (45) days from receipt of the Committee's evaluation to determine in a single resolution which applications to accept or reject.

Such resolution of the Board shall specify the reasons for rejection of any application and shall set forth the language of any recommended franchising contract and the Council ordinance approving and confirming such contract. A copy of such resolution shall be immediately sent to all applicants. If the language of the franchising contract varies from that proposed by the applicant, such acceptance shall be conditional upon the applicant agreeing to the recommended contract by written agreement filed with the Board no later than fifteen (15) days after the Board's action. If such agreement is not filed, the application shall be deemed rejected without further action of the Board.

Sec. 8½-27. Council review of rejections.

Any person, whose application is rejected by the Board, may within ten (10) days of such action petition the Council for review of that decision by filing notice thereof and a copy of the resolution of the Board with the Clerk of the Council. If the Council determines that the rejection is improper under this ordinance, it may by resolution direct the Board to reconsider its action. On reconsideration the Board shall make a further final decision pursuant to Sec. 8½-26.

Sec. 8½-28. Council Action on Recommended Contracts.

Within thirty (30) days of the Board's resolution recommending a franchising contract, the Council shall introduce the ordinance approving and confirming the contract as accepted in the Board's resolution. The Council may:

(a) adopt the ordinance, subject to the veto of the Mayor, in which case the Director of the Department of Public Works will be directed to execute the franchising contract. Ten (10) days after the Mayor consents to the ordinance, the franchising contract holder shall pay an award fee by certified check in the amount of twenty-five thousand dollars (\$25,000), payable to the City, or

(b) defeat the ordinance, in which case the application shall be denied, or

(c) by resolution direct the Board to consider certain modifications or amendments to the franchising contract, in which case the Board shall reconsider the application pursuant to Sec. 8½-26.

Under no circumstances shall the Council by ordinance approve or confirm any franchising contract unless the precise language has been accepted by the Board prior to the Council's action.

Sec. 8½-41. Contents of Applications.

The Board shall reject any application containing an offered franchising contract which does not contain the following:

(a) A description of the area of the requested franchise. Unless economically unfeasible or technically impractical, no franchise shall be granted for an area less than the entire City if less than thirty percent (30%) of the households located within the area of the franchise are located in Center Township. Provided, that during the hearing process the Cable Television Committee may consider modifications to the description of the area of franchise in any bid application. It is the City's intention that the Council and Board award a franchise to cover all areas of the Consolidated City; however, areas which are economically unfeasible or technically impractical for delivery may be excluded.

(b) A construction schedule. The following table fixes the minimum percentage of households located in areas of the franchise where the density is forty (40) or more households per mile which shall have cable television service available within the given number of years from the date of execution of the franchise contract under the following construction schedule.

| Number of Years | Center Township Households | All Households |
|-----------------|----------------------------|----------------|
| 2 | | 20 |
| 3 | 20 | 35 |
| 4 | 40 | 50 |
| 5 | 60 | 70 |
| 6 | 90 | 90 |

(c) A schedule indicating the initial tap-in and connection charges and the monthly rates to be charged subscribers.

(d) A description of the insurance policies to be acquired in satisfaction of the requirements of this chapter.

(e) A verified statement which discloses all persons, including spouse and children, by name and residential address, who have a beneficial interest of five percent (5%) or more in the applicant. Persons affected by this section shall also disclose any buy-sell agreements of their beneficial interest.

(f) A biographical description of those persons disclosed pursuant to subsection (e) and the experience and qualifications of each with respect to the cable television industry.

(g) A statement which includes the most recent and five year pro forma income and expense statements, balance sheets and a quarterly analysis of cash flow, including a narrative explanation of these statements with respect to the phasing of investments and the effect which subscriber and other revenues will have.

(h) An agreement that the operator will not oppose the City's intervention in any suit in which the operator is a party.

(i) An agreement that the operator comply with the terms of this chapter and will not assert that any terms of this chapter are unreasonable or arbitrary.

(j) Additional documentation of the manner in which the applicant proposes to carry out any other of its various duties under this chapter.

Sec. 8½-42. Criteria in Evaluating Applications.

(a) The Board may recommend a franchising contract with the applicant whose application represents the most desirable of all applications submitted for each area of the City.

(b) In determining which application represents the most desirable application, the Cable Television Committee of the Council and the Board shall consider all factors normally considered in any case in which the Committee or Board must make such a determination, including the following:

- (1) The financial and technical feasibility of the proposal contained in the application;
- (2) The technical ability of the applicant;
- (3) The financial ability of the applicant to construct and operate the system;
- (4) The confirmation of the applicant's reputable business practices and his community knowledge and responsibility;
- (5) The speed of construction of which the applicant is capable;
- (6) The quality of the service which the applicant promises and of which the applicant is capable; and
- (7) Any special factors ensuring that the applicant will carry out the purposes of this chapter and that the award of the franchise to the applicant is in the best interest of the City.

Article III: Construction and Maintenance of the System

Sec. 8½-51. Street Occupancy.

(a) All poles, cables, and other fixtures placed by the operator within the public ways of the City shall be so located as to cause minimum interference with the proper use of the public ways and adjoining premises.

(b) If the disturbance of any public way is necessary, the operator shall comply with all provisions of the code relevant to such disturbance.

(c) If at any time during the period of the franchise the City shall elect to change the grade of any public way, the operator, upon reasonable notice by the City, shall relocate its poles, cables, and other fixtures at no expense to the City.

(d) The operator shall have the authority to trim trees upon and overhanging the public ways of the City so as to prevent the branches of such trees from coming in contact with the cables and the equipment of the operator, except that at the option of the City, such trimming may be done by it or under its supervision and direction.

(e) In all sections of the City where the cables, wires, or other like facilities of public utilities are placed underground, the operator shall place its cables and other equipment underground to the maximum extent that existing technology reasonably permits.

Sec. 8½-52. Safety Requirements.

(a) The operator shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are like to cause damage, injury, or nuisance to the public.

(b) The operator shall install and maintain its cables and other equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards.

(c) All cables and other equipment within the public ways of the City shall at all times be kept and maintained in a safe condition as existing technology reasonably permits.

Sec. 8½-53. Erection and Removal of Poles.

No location of any pole or other wire-holding structure of the operator shall be a vested interest and such poles or structures shall be removed or modified by the operator at no expense to the City whenever the Board determines that the public convenience so requires.

Sec. 8½-54. Inspection.

The City shall have the right to make such inspections as it shall find necessary to ensure compliance with the terms of this chapter, the franchising contract, and other pertinent provisions of law.

Sec. 8½-55. Extension of Construction Schedule Deadlines.

Upon a determination that the operator, through no fault of its own, would otherwise be faced with undue hardship in meeting its construction schedule, the Board may modify the construction schedule.

Article IV: Rights and Duties of Operator and Customers.

Sec. 8½-61. Subscribers Rates and Charges.

(a) The rates and charges to subscribers for signals distributed shall be set at the time of the franchise contract and said rates and charges shall be guaranteed and not subject to change or revision for a period of three years from the date of the contract.

(b) The City-County Council hereby reserves the right to review and determine the rates and charges to subscribers for signals distributed by the operator, after the three year period specified in subsection (a).

Sec. 8½-62. Pay Television.

The operator may provide, only as an auxiliary service, programming for which a per program or per channel charge is made.

Sec. 8½-63. Public Service Systems.

At least one outlet for the basic regular subscriber service shall be made available free of charge to all public and accredited private schools which the system passes. Additional free service outlets for other public institutions and local government offices may be proposed in any applicant's bid.

Sec. 8½-64. Signal Quality Requirements.

The operator shall:

(a) Transmit signals which will produce pictures and sound at all outlets which are as good as existing technology reasonably permits; and

(b) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cables or interfering with other electrical or electronic systems.

Compliance with the regulations of the Federal Communications Commission regarding signals transmitted shall constitute compliance with this section so long as such regulations exist. However, if such FCC Regulations do not exist, the City-County Council hereby reserves the right to provide for regulations to assure that the signals transmitted comply with the best interests of the City and the users of the service.

Sec. 8½-65. Signal Carriage.

(a) The operator may distribute any signal which existing technology permits.

(b) The operator shall receive and distribute in their entirety the signals of any television stations serving Marion County, including but not limited to: Channel Four — WTTV, Channel Six — WRTV, Channel Eight — WISH, Channel Thirteen — WTHR, Channel Twenty — WFYI, and Channel Forty — WHMB.

Sec. 8½-66. Public and Leased Access Channels.

(a) The operator shall make available at least one channel at all times for non-commercial public access, on a nondiscriminatory basis. When construction is completed to fifty (50) percent of the households described in Sec. 8½-41(b) of this chapter, the operator shall make available sufficient equipment for local production and presentation on that channel of cablecast programs other than automated services. Charges for equipment operation, personnel, and production of this public access programming shall not exceed the pro rata direct cost of such facilities and services. The operator may limit such availability consistent with reasonable rules on advanced scheduling and priorities among persons requesting use of such public access.

(b) At least one of twelve (12) VHF channels on which signals can be carried shall be available to be leased for any period of time requested by any person wishing to cablecast any program. If at any time there is a demand for a greater number of channels than required under this subsection, all leased access channels shall be leased to the highest bidder. This subsection neither requires the operator to provide nor prohibits the operator from providing equipment to be used in the production and presentation of cablecast programs. The operator may use such leased access channels in its normal operations when not in use by a lessee. The operator may make reasonable regulations with respect to the use of access channels.

(c) The operator shall be responsible for preventing the presentation on the public access channel of (1) of any material designed to promote the sale of commercial products or services and (2) pre-recorded programming which violates the provisions of the Code of Indianapolis and Marion County with respect to obscenity and pornography. The operator shall have no other authority to control the programs presented over any public or leased access channel and shall have no legal liability for obscenity or pornography except for productions originating from facilities within the control of the operator.

Sec. 8½-67. Complaint and Service Procedure.

(a) The operator shall maintain an office in the City, which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time, whether the office is open or closed.

(b) Maintenance service shall be immediately available to correct major outages from 8:00 a.m. until 12:30 a.m. every day, including Saturdays, Sundays, and holidays.

(c) Investigative action shall be initiated in response to all service calls, other than major outages, not later than the next business day after the call is received. Corrective action shall be completed as promptly as practicable. Appropriate records shall be made of service calls, showing when and what corrective action was taken.

(d) The operator shall furnish each subscriber written instructions that clearly set forth procedures for placing a service call or requesting an adjustment. These instructions shall also include a name, address, and telephone number provided by the Board and a reminder that the subscriber can call or write for information regarding terms and conditions of the operator's franchise if the operator fails to respond to the subscriber's request for installation, service or adjustment within a reasonable period of time.

(e) In the event a subscriber does not obtain a satisfactory response or resolution to his request for service or an adjustment within a reasonable period of time, he may advise the Board of his dissatisfaction in writing and the Board shall investigate the matter and keep records with respect to all complaints.

(f) The operator shall interrupt system service after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible and, except in emergency situations, only after publishing notice of service interruption at least twenty-four (24) hours in advance. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance, and repair, without notification, on not more than two (2) nights in any week.

Sec. 8½-68. Termination of Service.

(a) Upon termination of service to any subscriber, the operator shall promptly remove all its facilities and equipment from the premises of such subscriber upon request.

(b) If any subscriber terminates service during the first year of subscription because of the operator's failure to render service to such subscriber in compliance with the provisions of this chapter, or if service to a subscriber is terminated without good cause or because the operator ceases to operate the cable television system for any reason except expiration of the franchise, the operator shall refund to such subscriber an amount equal to the initial tap-in and connection charges paid by the subscriber.

Article V: Rights and Duties of Operator and City.

Sec. 8½-80. Franchise Fee.

The operator shall pay annually to the City an amount equal to the three percent (3%) of the gross accrued revenues from cable television operations taken in during the year, and payment of the fee shall be on a quarterly basis. The year to be used in calculating the amount and payment of the franchise fee shall begin on the effective date of the franchise or the anniversary of that date unless the Board approves a different year.

Sec. 8½-81. Construction Bond.

(a) Within thirty (30) days after the effective date of the franchise, the franchise holder shall obtain and maintain at its cost and expense, and file with the Corporation Counsel, a corporate surety bond issued by a company licensed to do surety business in the State of Indiana and found acceptable by the Corporation Counsel, in an amount of three hundred thousand dollars (\$300,000) to guarantee the timely construction and full activation of the cable television system. The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the City, jointly and severally from the principal and surety, any and all damages, loss or costs suffered by the City resulting from the failure of the franchise holder to satisfactorily complete and fully activate the cable television system within seventy-two (72) months of execution of the franchising contract.

(b) Any extension to the prescribed time limit must be authorized by the Council. Such extension shall be authorized only when the Council finds that such extension is necessary and appropriate due to causes beyond the control of the franchise holder.

(c) The construction bond shall be terminated only after the Council finds that the franchise holder has satisfactorily completed and fully activated the cable television system in the franchise area.

(d) The rights reserved to the City with respect to the construction bond are in addition to all other rights of the City, whether reserved by this franchise or authorized by law; and no action, proceeding or exercise of a right with respect to such construction bond shall effect any other right the City may have.

Sec. 8½-82. Security Fund.

(a) Within thirty (30) days after the execution of the franchise contract, the operator shall deposit with the City of Indianapolis, the sum of fifty thousand dollars (\$50,000) in monies as security for the faithful performance of all the provisions of the franchise contract, and the payment by the operator of any claims, liens and taxes due the City which arise by reason of the construction, operation or maintenance of the system. Any monies deposited pursuant to this section shall be placed by the Controller in an interest bearing demand account at a bank or local savings institution agreeable to both parties. The interest on this account will accrue to the benefit of the operator upon completion of the requirements in Sec. 8½-41(b), and the security fund will be reduced to an amount of fifteen thousand dollars (\$15,000), which amount shall be maintained during the period of the franchise contract.

(b) Within ten (10) days after notice to it that any amount has been withdrawn from the security fund deposited pursuant to subsection (a), the operator shall pay to, or deposit with, the City of Indianapolis a sum of money or securities sufficient to restore such security fund to the full amount required by subsection (a). If the franchise holder fails to pay to the City any compensation within the time fixed herein; or, fails after ten (10) days notice to pay to the City or County any taxes due and unpaid; or, fails to repay to the City, within such ten (10) days, any damages, costs or expenses which the City shall be compelled to pay by reason of any act or default of the operator in connection with the franchise contract or fails, after three (3) days' notice of such failure by the Mayor or his designee to comply with any provision of this chapter, and the Mayor or his designee reasonably determines that such failure can be remedied by an expenditure from the security fund, the Mayor or his designee may immediately withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the Mayor or his designee shall notify the operator of the amount and date thereof.

(c) The security fund deposited pursuant to this section shall become the property of the City in the event that the franchising contract is cancelled by reason of the default of the operator. The operator, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit with the Clerk at the expiration of the term of the franchise contract, provided that there is then no outstanding default on the part of the operator.

(d) The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this chapter, the franchise or contract or authorized by law; and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right the City may have.

Sec. 8½-83. Liability, Indemnification, and Insurance.

(a) The operator shall pay all damages and penalties which the City may legally be required to pay as a result of the grant of a franchise under this chapter, including all damages arising out of the installation, operation, or maintenance of the cable television system, whether or not any act or omission complained of, is authorized, allowed, or prohibited by this chapter or the franchising contract.

(b) The operator shall pay all expenses incurred by the City in defending itself with regard to all damages and penalties described in subsection (a) of this section. These expenses shall include all out-of-pocket expenses, including attorney's fees.

(c) The operator shall maintain, throughout the term of the franchising contract, a policy or policies of general comprehensive public liability and property damage insurance insuring the City and the operator. Written evidence of payment of premiums and copies of such insurance policy or policies shall be filed with the Board within thirty (30) days of the effective date of the franchise.

Sec. 8½-84. Expansion Outside the Franchise Area.

The grantee may be required to interconnect its system with any other broadband communications facility. Such interconnection shall be made within the time limit established by the City. The interconnection shall, at the City's discretion, be accomplished according to the method and technical standards determined by the City, in a manner consistent with applicable FCC standards.

Sec. 8½-85. City's Use of Poles.

The City shall have the right to install and maintain free of charge upon the poles of the operator any wire and pole fixtures, on the condition that such wire and pole fixtures do not unreasonably interfere with the operator's operation of the cable television system.

Sec. 8½-86. Emergency Use of Facilities.

In the case of any disaster, duly declared by the mayor, the grantee shall, upon request of the mayor, make available to the City for emergency use during the disaster period all facilities not necessary to the grantee in fulfilling its other legal obligations.

Sec. 8½-87. Transfer of Franchise.

(a) In the event the franchise is transferred, in whole or in part, prior consent of the Board to such transfer shall be required.

(b) In the event the operator is a corporation and any person owning or controlling more than five percent (5%) of the operator's voting stock, through the acquisition of any amount of stock, comes to own or control more than five percent (5%) of the operator's voting stock, prior approval of the Board to such acquisition shall be required.

(c) Any transaction of stock representing a partnership share or any other beneficial interest, having the effect of changing in the aggregate more than fifty percent (50%) of the voting or equity rights, or having the effect of increasing the ownership of any single owner whose prior interest was five percent (5%) or more and his ownership increases by an amount of twenty percent (20%) or more shall be deemed a transfer under this section.

(d) Any prior consent of the Board required by this section shall not be unreasonably withheld, shall be expressed by resolution, and shall be subject to any reasonable conditions prescribed in that resolution and shall be effective only upon approval by the City-County Council.

Article VI: General Regulatory Provisions

Sec. 8½-101. Compliance with Other Applicable Laws.

(a) The operator shall comply with all statutes, codes, ordinances, rules, and regulations applicable to its business.

(b) A franchise granted pursuant to this chapter authorizes only the operation of a cable television system, and does not take the place of any other franchise, license, or permit which law requires of the operator.

(c) The Council, the Board, and any other agency of the City shall have the power to adopt, in addition to the provisions contained in this Chapter, the franchising contract, and any other applicable ordinances or regulations as of the effective date, such additional ordinances or regulations as they shall find necessary in the exercise of the police power. Provided, that such ordinances or regulations shall be reasonable and not unconstitutionally in conflict with the rights granted in the franchising contract.

Sec. 8½-102. New Developments.

It shall be the policy of the City liberally to amend this chapter and franchising contract, upon application of the operator, when necessary to enable the operator to take advantage of any developments in the field of cable television which will afford it an opportunity to better serve its customers. However, this section shall not be construed to require the City to initiate any amendment.

Sec. 8½-103. Reports to be Filed with the Board.

(a) The operator shall file with the Board true and accurate maps or plats of all existing and proposed installations.

(b) The operator shall file annually with the Board not later than one hundred twenty (120) days after the end of the operator's fiscal year, a copy of its reports to its stockholders, if any, an income statement applicable to its operations under the franchising contract during the preceding twelve-month period, a balance sheet as of the beginning of the fiscal year, and a statement of its properties devoted to cable television operations, by categories, giving its investment in such properties on the basis of original cost, less applicable depreciation. These reports shall be prepared or approved by a certified public accountant as being in accordance with generally accepted accounting practices.

(c) The operator shall file with the Board a copy of any formal communications received from or required to be filed with any other governmental agency except tax returns and determinations, including the Federal Communications Commission.

(d) Upon the request of the Board, the operator shall file with the Board written evidence of payment of premiums on insurance policies required by this chapter.

(e) The operator shall keep on file with the Board current copies of insurance policies required by this chapter.

(f) The operator shall keep on file with the Board a current list of its shareholders, partners, bondholders, and all other persons owning any financial interest in the operator.

(g) The operator shall file or keep on file with the Board any information which the Board reasonably deems necessary to ensure that the duties of the operator, its customers, and the Board are carried out.

Sec. 8½-104. Inspection of Records and Facilities.

The City shall have the right to inspect the operator's books, plans, income tax returns, and other business records, and its studios, equipment, and other facilities at any time during normal business hours.

Article VII: Termination of the Franchise.

Sec. 8½-111. Term.

The franchising contract shall take effect and be in force from and after its effective date for a term of fifteen (15) years upon the conditions set forth in this chapter and the franchising contract. An option for renewal, provided that the Board is given notice not less than one (1) year prior to expiration of the franchising contract, for an additional ten (10) year period under the terms and conditions mutually agreeable to the operator and the Board is presumed to be a valid amendment to the franchising agreement and said option shall be granted by the Board at a public hearing with seven (7) days notice given upon a determination that the operator has substantially complied and can and will continue to comply with the terms of this chapter and the franchising contract; provided, that the Council, subject to the ordinary veto power of the mayor, may reverse any refusal of the Board to grant a renewal.

Sec. 8½-112. Penalties and Forfeiture of Franchise.

(a) For certain violations of the provisions of this ordinance, civil penalties shall be chargeable to the security fund as follows:

(1) For failure to complete construction and installation of the system and commencement of providing service in accordance with Sec. 8½-41(b), unless the Council specifically approves the delay by resolution because of reasons beyond the control of the operator, the operator shall forfeit two hundred dollars (\$200) each day or part thereof that the failure continues.

(2) For failure to provide data and reports as requested by the Council or Board or required by this chapter, the operator shall forfeit fifty dollars (\$50) each day or part thereof that the failure continues.

(3) For failure to pay the franchise fee when due pursuant to Sec. 8½-80, the franchise holder shall forfeit two hundred fifty dollars (\$250) each day or part thereof that the failure continues.

(4) For persistent failure to comply with such reasonable requests and recommendations as may be made by the Council and Board pursuant to authority granted by this ordinance, the franchise holder shall forfeit fifty dollars (\$50) each day or part thereof that the failure continues.

(5) For failure to restore the cash deposit as required in Sec. 8½-82 within the specified ten (10) days, the entire security fund deposit remaining shall be forfeited.

(b) If the civil penalties of subsection (a) are inapplicable or fail to secure compliance, in addition to all other rights and powers retained by the City by virtue of this chapter and the franchising contract or otherwise, the City shall have the right to terminate and cancel the franchise and all rights and privileges of the operator in the event that the operator:

(1) Violates any material provision of this chapter, the franchising contract, or any rule, regulation, order, or determination of the City, the Board, or the Council made pursuant to this chapter, except where such violation is cured within a reasonable time or where such violation, other than of Sec. 8½-87, is without fault or through excusable neglect;

(2) Attempts to evade any of the provisions of this chapter or the franchising contract or practices any fraud or deceit upon the City; or

(3) Fails to meet the construction schedule as established in the franchising contract or as modified by the Board at the end of any two (2) years unless such failure is without fault or through excusable neglect.

(c) Termination and cancellation may be affected only by ordinance of the Council, subject to the ordinary veto power of the Mayor, and shall in no way affect any other of the City's rights under this chapter, the franchising contract, or any provision of law. Any finding of fact, determined by the Council under this section shall be conclusive. However, before the franchise may be terminated and cancelled under this section, the operator must be provided with thirty (30) days notice and an opportunity to be heard before the Council or its designated committee.

Sec. 8½-113. Removal of the System.

Upon expiration or forfeiture of the franchise, as provided for this chapter, the Council shall have the right to determine whether the operator shall continue to maintain and operate the cable television system pending the decision of the City as to the future maintenance and operation of the system.

Article VIII: Rules of Construction.

Sec. 8½-121. Regulations Issued by Other Governmental Units.

(a) This chapter and any franchise contract executed pursuant to this chapter shall not be construed as incorporating the laws, rules or regulations of any state or federal governmental unit claiming jurisdiction over the regulation of cable television, including the rules of the Federal Communication Commission, whether such laws, rules, or regulations have already been adopted or are adopted in the future.

(b) Should any court of competent jurisdiction at any time declare any provision (section, paragraph, sentence, clause, or any other portion) of this chapter unenforceable because of conflict with the laws, rules or regulations of any state or federal governmental unit, then such unenforceable provision shall be treated as suspended, and shall become effective again immediately upon the repeal of the conflicting law, rule, or regulation and shall be subject to renegotiation.

Sec. 8½-122. Severability.

Should any provision (section, paragraph, sentence, clause, or any other portion) of this chapter 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 adoption of this chapter. To this end the provisions of this chapter are severable.

SECTION 2. Pursuant to Sec. 8½-21 of the Code of Indianapolis and Marion County (as adopted in Section 1 of this ordinance), the Council hereby determines that either a franchise should be granted for all or a part of the City or more than one franchising contract should be granted and the City divided among operators.

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

Following the vote, Councillor Tinder moved, seconded by Councillor Campbell, to strike Proposal No. 263, 1979. The motion to strike Proposal No. 263, 1979, failed on the following roll call vote; viz:

14 AYES: Mr. Campbell, Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, Mr. West

15 NOES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Lyons, Mr. McGrath, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart

Councillor Vollmer then moved, seconded by Councillor Miller to postpone Proposal No. 263, 1979. The motion to postpone failed on the following roll call vote; viz:

4 AYES: Mr. Miller, Mr. Tintera, Mr. Vollmer, Mr. West

25 NOES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Page, Mrs. Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Walters

Councillor Durnil moved, seconded by Councillor Anderson, to adopt Proposal No. 263, 1979. The proposal failed on the following roll call vote; viz:

14 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. McGrath, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart

15 NOES: Mr. Campbell, Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, Mr. West

[Clerk's Note: After the vote, the Council recessed at 9:00 p.m. and reconvened at 9:10 p.m.]

Councillor Lyons, having voted on the prevailing side on Proposal No. 263, 1979, stated that he had been confused on the vote in which Proposal No. 263, 1979 failed, and moved to reconsider Proposal No. 263, 1979, seconded by Councillor Hawkins. The motion to reconsider Proposal No. 263, 1979, passed on the following roll call vote; viz:

16 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Lyons, Mr. McGrath, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart

13 NOES: Mr. Campbell, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, Mr. West

Pursuant to the motion to reconsider Proposal No. 263, 1979, a second vote was taken on Proposal No. 263, 1979. Proposal No. 263, 1979 was then adopted on the following roll call vote; viz:

15 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Lyons, Mr. McGrath, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart

14 NOES: Mr. Campbell, Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, Mr. West

Proposal No. 263, 1979, was retitled GENERAL ORDINANCE NO. 125, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 125, 1979

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, by adding a new Chapter 8 1/2 regulating the grant of cable television franchises, and regulating the construction, maintenance, and operation of cable television systems.

**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 is hereby amended by adding a new Chapter 8½ to read as follows:

**CHAPTER 8½: CABLE TELEVISION
Article I: General**

Sec. 8½-1. Statutory Authority

Because the operation of a cable television system requires the permission of the City to use the public ways, the Council determines that it is proper and expedient to franchise such systems pursuant to IC 18-1-21-5 and IC 18-1-21-6.

The Council hereby finds that it is in the interest of the City that the public ways be used to make cable television available to the people of the City, but that the regulation of cable television operators is necessary due to the deficiency of market place forces in providing immediate, reliable, and efficient service at affordable rates. It is intended that the provisions of this chapter should facilitate and encourage orderly and responsible development of a system which will provide the people of the City with cable television service which is versatile, reliable, and efficient and which is available at affordable rates. The provisions of this chapter shall be construed liberally to further this purpose.

Sec. 8½-2. Definitions.

As used in this Chapter:

- (a) "Applicant" means any person who files an application with the Clerk under the terms of Sec. 8½-23 of this chapter.
- (b) "Board" means the Board of Public Works of the City.
- (c) "Cable television system" or "system" shall mean any system which receives and amplifies signals broadcast by one or more television and/or radio station and which transmits programming originated by the system itself or by another party, and distributes such signals and programming by wire, cable, microwave, satellite or other means to persons who subscribe to such service; provided, that "cable television system" or "system" does not include any similar system not requiring the use of public ways.
- (d) "Committee" means the Cable Television Committee of the City-County Council or any other committee given authority by the Council to perform those duties pursuant to this chapter.

- (e) "Franchise" means the non-exclusive rights to construct, operate, and maintain a cable television system.
- (f) "Operator" means a person granted a franchise by the City or by any predecessor, governmental officer, or organization authorized to grant such a franchise.
- (g) "Person" means and includes any natural person, partnership, corporation, association, or any other organization of natural persons.
- (h) "Public way" means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk, path, right-of-way or easements and any public utility easements or right-of-ways dedicated generally for public utility uses.
- (i) "Subscriber" means any person who contracts or agrees to purchase the regular subscriber service, pay television, or any other service provided by the cable television system, and includes anyone actually using such services.
- (j) "Gross accrued revenues" means any and all compensation, in whatever form, exchange or otherwise, directly or indirectly received by the grantee, not including any taxes on services furnished by the grantee imposed directly on any subscriber or user by a city, county, state or other governmental unit, and collected by the grantee for such entity.
- (k) "Clerk of the Council" or "Clerk" means Clerk of the City-County Council.
- (l) "City" means the Consolidated City of Indianapolis, Marion County, Indiana, a municipal corporation of the State of Indiana, created by the Consolidated First-Class Cities and Counties Act (IC 18-4-1-1 et Seq.).
- (m) "Old City Limits" means that area of the City coterminous with the boundaries of the First-Class City of Indianapolis as the same existed on December 31, 1969, the day preceding the effective date of the Consolidated First-Class Cities and Counties Act. (IC 18-4-1-1 et seq.)

Sec. 8½-3. Administration and Enforcement.

The Board shall have the power and duty to:

- (a) Execute franchising contracts under the terms and procedures provided in this chapter; and in the event that more than one franchise is granted within the city, to ensure that all systems are compatible.
- (b) Promulgate any and all rules and regulations which it deems necessary to enable it to carry out its duties under this chapter; provided that, if within sixty (60) days after delivery of certification to the Clerk of the adoption of rules and regulations by the Board, the City-County Council shall by Council action disapprove or reject such rules and regulations, the adopted rules and regulations of the Board shall be of no effect and the rules and regulations shall remain as they were in effect prior to disapproval or rejection by the Council. If the Council does not act within the sixty (60) days after delivery of certification, the adopted rules and regulations by the Board shall become effective.

Sec. 8½-4. Previously Awarded Franchises.

Articles III, IV, V, VI, and VII of this chapter shall apply to all cable television systems whether such franchise was granted before or after the effective date of this chapter including the non-exclusive franchise entered into on May 19, 1967, by the County Commissioners of Marion County, Indiana, and Metropolitan Cablevision Corporation.

Should any operator, asserting cable television franchise rights within the City by reason of agreement entered into other than pursuant to this chapter, request amendment of such agreement, any amendment approved by or on behalf of the Council shall expressly require such amended franchise to be subject to this chapter.

In the event of conflicts between this chapter and the provisions of any cable television franchise granted prior to the effective date of this chapter, each provision of this chapter shall control unless that interpretation is judicially determined to be an unconstitutional impairment of the contract rights of the holder.

Article II: Board Authority and Application Procedures

Division 1. Authority

Sec. 8½-11. Authority to Approve Franchising Contracts.

Subject to the provisions of this article, the Board is hereby authorized to approve one or more non-exclusive franchising contracts conveying the right to construct, operate, and maintain, within the public ways in the City, poles, cables, and any other equipment necessary to the operation of a cable television system.

Division 2. Procedural Step

Sec. 8½-21. Initial Resolution.

Applications will not be accepted except following action by the Council determining that a franchise should be granted for all or a portion of the City.

Sec. 8½-22. Notice of Determination.

Within thirty (30) days after the determination that a franchise should be granted, the Clerk of the Council shall give notice of the determination by:

- (a) Posting of that notice in three public places;
- (b) Publication of that notice once each week for two (2) weeks in two newspapers of general circulation in the City; and
- (c) Mailing of that notice to any person the Clerk knows to be interested in submitting an application, and publication in at least one newspaper of national circulation and in trade magazines or publications of the Cable Television industry.

Sec. 8½-23. Submission of Applications.

Within ninety (90) days after the posting or the first publication provided for in Sec. 8½-22, whichever occurs last, all interested persons shall file with the Clerk of the Council fifteen (15) copies of their application containing the terms of an offered franchising contract, all information necessary to evaluate each applicant and to compare each applicant with other applicants, and the proper requests for pole usage agreements with any utility. The application shall be in the form and contain the information required by the General Counsel of the City-County Council, and shall include a non-refundable bidding application fee of three thousand dollars (\$3,000), payable to the City of Indianapolis.

Sec. 8½-24. Applications and Public Documents.

All applications shall become public at the end of the ninety (90) day period in Sec. 8½-23, and the Clerk shall then make copies of the application available for immediate inspection by any person. The Clerk shall place in three (3) public libraries copies of the applications. Anyone may purchase copies of all or parts of any application upon payment of a charge of fifteen cents (\$.15) per page.

Sec. 8½-25. Public Hearings.

Within the thirty (30) days after the expiration of the period for filing applications, the Cable Television Committee of the Council shall conduct at least two hearings at which any person may comment on the various applications before the Committee. The Clerk shall publish notice in two newspapers of general circulation in the City seven days prior to each hearing. Any person wishing to comment at the hearing must file with the Clerk at least twenty-four (24) hours before the hearing, notice of their intent to comment.

Sec. 8½-26. Final Action by the Board.

Within one hundred and twenty (120) days after the final date for filing applications, the Cable Television Committee shall submit the applications with proper evaluation to the Board. The Board shall have forty-five (45) days from receipt of the Committee's evaluation to determine in a single resolution which applications to accept or reject.

Such resolution of the Board shall specify the reasons for rejection of any application and shall set forth the language of any recommended franchising contract and the Council ordinance approving and confirming such contract. A copy of such resolution shall be immediately sent to all applicants. If the language of the franchising contract varies from that proposed by the applicant, such acceptance shall be conditional upon the applicant agreeing to the recommended contract by written agreement filed with the Board no later than fifteen (15) days after the Board's action. If such agreement is not filed, the application shall be deemed rejected without further action of the Board.

Sec. 8½-27. Council review of rejections.

Any person, whose application is rejected by the Board, may within ten (10) days of such action petition the Council for review of that decision by filing notice thereof and a copy of the resolution of the Board with the Clerk of the Council. If the Council determines that the rejection is improper under this ordinance, it may by resolution direct the Board to reconsider its action. On reconsideration the Board shall make a further final decision pursuant to Sec. 8½-26.

Sec. 8½-28. Council Action on Recommended Contracts.

Within thirty (30) days of the Board's resolution recommending a franchising contract, the Council shall introduce the ordinance approving and confirming the contract as accepted in the Board's resolution. The Council may:

- (a) adopt the ordinance, subject to the veto of the Mayor, in which case the Director of the Department of Public Works will be directed to execute the franchising contract. Ten (10) days after the Mayor consents to the ordinance, the franchising contract holder shall pay an award fee by certified check in the amount of twenty-five thousand dollars (\$25,000), payable to the City, or
- (b) defeat the ordinance, in which case the application shall be denied, or
- (c) by resolution direct the Board to consider certain modifications or amendments to the franchising contract, in which case the Board shall reconsider the application pursuant to Sec. 8½-26.

Under no circumstances shall the Council by ordinance approve or confirm any franchising contract unless the precise language has been accepted by the Board prior to the Council's action.

Sec. 8½-41. Contents of Applications.

The Board shall reject any application containing an offered franchising contract which does not contain the following:

- (a) A description of the area of the requested franchise. Provided, that during the hearing process the Cable Television Committee may consider modifications to the description of the area of franchise in any bid application. It is the City's intention that the Council and Board award a franchise to cover all areas specified by the Council in initial resolution adopted pursuant to 8½-21; however, areas which are economically unfeasible or technically impractical for delivery may be excluded.
- (b) A construction schedule. The following table fixes the minimum percentage of households located in areas of the franchise where the density is forty (40) or more households per mile which shall have cable television service available within the given number of years from the date of execution of the franchise contract under the following construction schedule.

| Number of Years | Center Township Households |
|-----------------|----------------------------|
| 2 | |
| 3 | 20 |
| 4 | 40 |
| 5 | 60 |
| 6 | 90 |

- (c) A schedule indicating the initial tap-in and connection charges and the monthly rates to be charged subscribers.
- (d) A description of the insurance policies to be acquired in satisfaction of the requirements of this chapter.

(e) A verified statement which discloses all persons, by name and residential address, who have a beneficial interest of five percent (5%) or more in the applicant. Persons affected by this section shall also disclose any buy-sell agreements of their beneficial interest.

(f) A biographical description of those persons disclosed pursuant to subsection (e).

(g) A statement which includes the most recent and five year pro forma income and expense statements, balance sheets and a quarterly analysis of cash flow, including a narrative explanation of these statements with respect to the phasing of investments and the effect which subscriber and other revenues will have.

(h) An agreement that the operator comply with the terms of this chapter and will not assert that any terms of this chapter are unreasonable or arbitrary.

(i) Additional documentation of the manner in which the applicant proposes to carry out any other of its various duties under this chapter.

Sec. 8½-42. Criteria in Evaluating Applications.

(a) The Board may recommend a franchising contract with the applicant whose application represents the most desirable of all applications submitted for each area of the City.

(b) In determining which application represents the most desirable application, the Cable Television Committee of the Council and the Board shall consider all factors normally considered in any case in which the Committee or Board must make such a determination, including the following:

- (1) The financial and technical feasibility of the proposal contained in the application;
- (2) The technical ability of the applicant;
- (3) The financial ability of the applicant to construct and operate the system;
- (4) The confirmation of the applicant's reputable business practices and his community knowledge and responsibility;
- (5) The speed of construction of which the applicant is capable;
- (6) The quality of the service which the applicant promises and of which the applicant is capable; and
- (7) Any special factors ensuring that the applicant will carry out the purposes of this chapter and that the award of the franchise to the applicant is in the best interest of the City.

Article III: Construction and Maintenance of the System

Sec. 8½-51. Street Occupancy.

(a) All poles, cables, and other fixtures placed by the operator within the public ways of the City shall be so located as to cause minimum interference with the proper use of the public ways and adjoining premises.

(b) If the disturbance of any public way is necessary, the operator shall comply with all provisions of the code relevant to such disturbance.

(c) If at any time during the period of the franchise the City shall elect to change the grade of any public way, the operator, upon reasonable notice by the City, shall relocate its poles, cables, and other fixtures at no expense to the City.

(d) The operator shall have the authority to trim trees upon and overhanging the public ways of the City so as to prevent the branches of such trees from coming in contact with the cables and the equipment of the operator, except that at the option of the City, such trimming may be done by it or under its supervision and direction.

(e) In all sections of the City where the cables, wires, or other like facilities of public utilities are placed underground, the operator shall place its cables and other equipment underground to the maximum extent that existing technology reasonably permits.

Sec. 8½-52. Safety Requirements.

- (a) The operator shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are like to cause damage, injury, or nuisance to the public.
- (b) The operator shall install and maintain its cables and other equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards.
- (c) All cables and other equipment within the public ways of the City shall at all times be kept and maintained in as safe condition as existing technology reasonably permits.

Sec. 8½-53. Erection and Removal of Poles.

No location of any pole or other wire-holding structure of the operator shall be a vested interest and such poles or structures shall be removed or modified by the operator at no expense to the City whenever the Board determines that the public convenience so requires.

Sec. 8½-54. Inspection.

The City shall have the right to make such inspections as it shall find necessary to ensure compliance with the terms of this chapter, the franchising contract, and other pertinent provisions of law.

Sec. 8½-55. Extension of Construction Schedule Deadlines.

Upon a determination that the operator, through no fault of its own, would otherwise be faced with undue hardship in meeting its construction schedule, the Board may modify the construction schedule.

Article IV: Rights and Duties of Operator and Customers.

Sec. 8½-61. Subscribers Rates and Charges.

- (a) The rates and charges to subscribers for signals distributed shall be set at the time of the franchise contract and said rates and charges shall be guaranteed and not subject to change or revision for a period of three years from the date of the contract.
- (b) The City-County Council hereby reserves the right to review and determine the rates and charges to subscribers for signals distributed by the operator, after the three year period specified in subsection (a).

Sec. 8½-62. Pay Television.

The operator may provide, only as an auxiliary service, programming for which an additional charge is made.

Sec. 8½-63. Public Service Systems.

At least one outlet for the basic regular subscriber service may be made available to all public and accredited private schools which the system passes. Additional service outlets for other public institutions and local government offices may be proposed in any applicant's bid.

Sec. 8½-64. Signal Quality Requirements.

The operator shall:

- (a) Transmit signals which will produce pictures and sound at all outlets which are as good as existing technology reasonably permits; and
- (b) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cables or interfering with other electrical or electronic systems.

Compliance with the regulations of the Federal Communications Commission regarding signals transmitted shall constitute compliance with this section so long as such regulations exist. However, if such FCC Regulations do not exist, the City-County Council hereby reserves the right to provide for regulations to assure that the signals transmitted comply with the best interests of the City and the users of the service.

Sec. 8½-65. Signal Carriage.

- (a) The operator shall distribute any signal which existing technology permits.
- (b) The operator shall receive and distribute in their entirety the signals of any television stations located in Marion County, including but not limited to: Channel Four — WTTV, Channel Six — WRTV, Channel Eight — WISH, Channel Thirteen — WTHR, Channel Twenty — WFYI, and Channel Forty — WHMB.

Sec. 8½-66. Public and Leased Access Channels.

- (a) The operator may make available at least one channel at all times for noncommercial public access, on a nondiscriminatory basis. When construction is completed to forty (40) percent of the households described in Sec. 8½-41(b) of this chapter, the operator may make available sufficient equipment for local production and presentation on that channel of cablecast programs other than automated services. Charges for equipment operation, personnel, and production of this public access programming shall not exceed the pro rata direct cost of such facilities and services.
- (b) At least one of twelve (12) VHF channels on which signals can be carried may be available to be leased for any period of time requested by any person wishing to cablecast any program. If at any time there is a demand for a greater number of channels than required under this subsection, all leased access channels shall be leased to the highest bidder. This subsection neither requires the operator to provide nor prohibits the operator from providing equipment to be used in the production and presentation of cablecast programs. The operator may use such leased access channels in its normal operations when not in use by a lessee. The operator may make reasonable regulations with respect to the use of access channels.
- (c) The operator shall be responsible for preventing the presentation on the public access channel of (1) of any material designed to promote the sale of commercial products or services and (2) pre-recorded programming which violates the provisions of the Code of Indianapolis and Marion County with respect to obscenity and pornography. The operator shall have authority to control the programs presented over any public or leased access channel and shall have no legal liability for obscenity or pornography except for productions originating from facilities within the control of the operator.
- (d) The City-County Council reserves the right to enact an ordinance requiring leased access channel XX availability, if required to insure that the cable television system is operated in the best interest of the public and the subscribers and permissible under law after the first six (6) years.

Sec. 8½-67. Complaint and Service Procedure.

- (a) The operator shall maintain an office in the City, which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time, whether the office is open or closed.
- (b) Maintenance service shall be immediately available to correct major outages from 8:00 a.m. until 12:30 a.m. every day, including Saturdays, Sundays, and holidays.
- (c) Investigative action shall be initiated in response to all service calls, other than major outages, not later than the next business day after the call is received. Corrective action shall be completed as promptly as practicable. Appropriate records shall be made of service calls, showing when and what corrective action was taken.

(d) The operator shall furnish each subscriber written instructions that clearly set forth procedures for placing a service call or requesting an adjustment. These instructions shall also include a name, address, and telephone number provided by the Board and a reminder that the subscriber can call or write for information regarding terms and conditions of the operator's franchise if the operator fails to respond to the subscriber's request for installation, service or adjustment within a reasonable period of time.

(e) In the event a subscriber does not obtain a satisfactory response or resolution to his request for service or an adjustment within a reasonable period of time, he may advise the Board of his dissatisfaction in writing and the Board shall investigate the matter and keep records with respect to all complaints.

(f) The operator shall interrupt system service after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible and, except in emergency situations, only after publishing notice of service interruption at least twenty-four (24) hours in advance. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance, and repair, without notification, on not more than two (2) nights in any week.

Sec. 8½-68. Termination of Service.

(a) Upon termination of service to any subscriber, the operator shall promptly remove all its facilities and equipment from the premises of such subscriber upon request.

(b) If any subscriber terminates service during the first year of subscription because of the operator's failure to render service to such subscriber in compliance with the provisions of this chapter, or if service to a subscriber is terminated without good cause or because the operator ceases to operate the cable television system for any reason except expiration of the franchise, the operator shall refund to such subscriber an amount equal to the initial tap-in and connection charges paid by the subscriber.

Article V: Rights and Duties of Operator and City.

Sec. 8½-80. Franchise Fee.

(a) The operator shall pay annually to the City an amount equal to the three percent (3%) of the gross accrued revenues from cable television operations taken in during the year, and payment of the fee shall be on a quarterly basis. The year to be used in calculating the amount and payment of the franchise fee shall begin on the effective date of the franchise or the anniversary of that date unless the Board approves a different year.

(b) The operator shall be prohibited from pre-paying franchise fees on estimated annual revenues at the time of bidding for a new franchise.

Sec. 8½-81. Construction Bond.

(a) Within thirty (30) days after the effective date of the franchise, the franchise holder shall obtain and maintain at its cost and expense, and file with the Corporation Counsel, a corporate surety bond issued by a company licensed to do surety business in the State of Indiana and found acceptable by the Corporation Counsel, in an amount of three hundred thousand dollars (\$300,000) to guarantee the timely construction and full activation of the cable television system. The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the City, jointly and severally from the principal and surety, any and all damages, loss or costs suffered by the City resulting from the failure of the franchise holder to satisfactorily complete and fully activate the cable television system within seventy-two (72) months of execution of the franchising contract.

(b) Any extension to the prescribed time limit must be authorized by the Council. Such extension shall be authorized only when the Council finds that such extension is necessary and appropriate due to causes beyond the control of the franchise holder.

(c) The construction bond shall be terminated only after the Council finds that the franchise holder has satisfactorily completed and fully activated the cable television system in the franchise area.

(d) The rights reserved to the City with respect to the construction bond are in addition to all other rights of the City, whether reserved by this franchise or authorized by law; and no action, proceeding or exercise of a right with respect to such construction bond shall affect any other right the City may have.

Sec. 8½-82. Security Fund.

(a) Within thirty (30) days after the execution of the franchise contract, the operator shall deposit with the City of Indianapolis, the sum of fifty thousand dollars (\$50,000) in monies as security for the faithful performance of all the provisions of the franchise contract, and the payment by the operator of any claims, liens and taxes due the City which arise by reason of the construction, operation or maintenance of the system. Any monies deposited pursuant to this section shall be placed by the Controller in an interest bearing demand account at a bank or local savings institution agreeable to both parties. The interest on this account will accrue to the benefit of the operator upon completion of the requirements in Sec. 8½-41(b), and the security fund will be reduced to an amount of fifteen thousand dollars (\$15,000), which amount shall be maintained during the period of the franchise contract.

(b) Within ten (10) days after notice to it that any amount has been withdrawn from the security fund deposited pursuant to subsection (a), the operator shall pay to, or deposit with, the City of Indianapolis a sum of money or securities sufficient to restore such security fund to the full amount required by subsection (a). If the franchise holder fails to pay to the City any compensation within the time fixed herein; or, fails after ten (10) days notice to pay to the City or County any taxes due and unpaid; or, fails to repay to the City, within such ten (10) days, any damages, costs or expenses which the City shall be compelled to pay by reason of any act or default of the operator in connection with the franchise contract or fails, after three (3) days' notice of such failure by the Mayor or his designee to comply with any provision of this chapter, and the Mayor or his designee reasonably determines that such failure can be remedied by an expenditure from the security fund, the Mayor or his designee may immediately withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the Mayor or his designee shall notify the operator of the amount and date thereof.

(c) The security fund deposited pursuant to this section shall become the property of the City in the event that the franchising contract is cancelled by reason of the default of the operator. The operator, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit with the City at the expiration of the term of the franchise contract, provided that there is then no outstanding default on the part of the operator.

(d) The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this chapter, the franchise or contract or authorized by law; and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right the City may have.

Sec. 8½-83. Liability, Indemnification, and Insurance.

(a) The operator shall pay all damages and penalties which the City may legally be required to pay as a result of the grant of a franchise under this chapter, including all damages arising out of the installation, operation, or maintenance of the cable television system, whether or not any act or omission complained of, is authorized, allowed, or prohibited by this chapter or the franchising contract.

(b) The operator shall pay all expenses incurred by the City in defending itself with regard to all damages and penalties described in subsection (a) of this section. These expenses shall include all out-of-pocket expenses, including attorney's fees.

(c) The operator shall maintain, throughout the term of the franchising contract, a policy or policies of general comprehensive public liability and property damage insurance insuring the City and the operator. Written evidence of payment of premiums and copies of such insurance policy or policies shall be filed with the Board within thirty (30) days of the effective date of the franchise.

Sec. 8½-84. Expansion Outside the Franchise Area.

The grantee may be required to interconnect its system with any other broadband communications facility. Such interconnection shall be made within the time limit established by the City. The interconnection shall, at the City's discretion, be accomplished according to the method and technical standards determined by the City, in a manner consistent with applicable FCC standards.

Sec. 8½-85. City's Use of Poles.

The City shall have the right to install and maintain free of charge upon the poles of the operator any wire and pole fixtures, on the condition that such wire and pole fixtures do not unreasonably interfere with the operator's operation of the cable television system.

Sec. 8½-86. Emergency Use of Facilities.

In the case of any disaster, duly declared by the mayor, the grantee shall, upon request of the mayor, make available to the City for emergency use during the disaster period all facilities not necessary to the grantee in fulfilling its other legal obligations.

Sec. 8½-87. Transfer of Franchise.

(a) In the event the franchise is transferred, in whole or in part, prior consent of the Board to such transfer shall be required.

(b) In the event the operator is a corporation and any person owning or controlling more than five percent (5%) of the operator's voting stock, through the acquisition of any amount of stock, comes to own or control more than five percent (5%) of the operator's voting stock, prior approval of the Board to such acquisition shall be required.

(c) Any transaction of stock representing a partnership share or any other beneficial interest, having the effect of changing in the aggregate more than fifty percent (50%) of the voting or equity rights, or having the effect of increasing the ownership of any single owner whose prior interest was five percent (5%) or more and his ownership increases by an amount of twenty percent (20%) or more shall be deemed a transfer under this section.

(d) Any prior consent of the Board required by this section shall not be unreasonably withheld, shall be expressed by resolution, and shall be subject to any reasonable conditions prescribed in that resolution and shall be effective only upon approval by the City-County Council.

Article VI: General Regulatory Provisions

Sec. 8½-101. Compliance with Other Applicable Laws.

(a) The operator shall comply with all statutes, codes, ordinances, rules, and regulations applicable to its business.

(b) A franchise granted pursuant to this chapter authorizes only the operation of a cable television system, and does not take the place of any other franchise, license, or permit which law requires of the operator.

(c) The Council, the Board, and any other agency of the City shall have the power to adopt, in addition to the provisions contained in this Chapter, the franchising contract, and any other applicable ordinances or regulations as of the effective date, such additional ordinances or regulations as they shall find necessary in the exercise of the police power. Provided, that such ordinances or regulations shall be reasonable and not unconstitutionally in conflict with the rights granted in the franchising contract.

Sec. 8½-102. New Developments.

It shall be the policy of the City liberally to amend this chapter and franchising contract, upon application of the operator, when necessary to enable the operator to take advantage of any developments in the field of cable television which will afford it an opportunity to better serve its customers. However, this section shall not be construed to require the City to initiate any amendment.

Sec. 8½-103. Reports to be Filed with the Board.

- (a) The operator shall file with the Board true and accurate maps or plats of all existing and proposed installations.
- (b) The operator shall file annually with the Board not later than one hundred twenty (120) days after the end of the operator's fiscal year, a copy of its reports to its stockholders, if any, an income statement applicable to its operations under the franchising contract during the preceding twelve-month period, a balance sheet as of the beginning of the fiscal year, and a statement of its properties devoted to cable television operations, by categories, giving its investment in such properties on the basis of original cost, less applicable depreciation. These reports shall be prepared or approved by a certified public accountant as being in accordance with generally accepted accounting practices.
- (c) The operator shall file with the Board a copy of any formal communications received from or required to be filed with any other governmental agency except tax returns and determinations, including the Federal Communications Commission.
- (d) Upon the request of the Board, the operator shall file with the Board written evidence of payment of premiums on insurance policies required by this chapter.
- (e) The operator shall keep on file with the Board current copies of insurance policies required by this chapter.
- (f) The operator shall keep on file with the Board a current list of its shareholders, partners, bondholders, and all other persons owning any financial interest in the operator.
- (g) The operator shall file or keep on file with the Board any information which the Board reasonably deems necessary to ensure that the duties of the operator, its customers, and the Board are carried out.

Sec. 8½-104. Inspection of Records and Facilities.

The City shall have the right to inspect the operator's books, plans, income tax returns, and other business records, and its studios, equipment, and other facilities at any time during normal business hours.

Article VII: Termination of the Franchise.

Sec. 8½-111. Term.

The franchising contract shall take effect and be in force from and after its effective date for a term of fifteen (15) years upon the conditions set forth in this chapter and the franchising contract. An option for renewal, provided that the Board is given notice not less than one (1) year prior to expiration of the franchising contract, for an additional ten (10) year period under the terms and conditions mutually agreeable to the operator and the Board is presumed to be a valid amendment to the franchising agreement and said option shall be granted by the Board at a public hearing with seven (7) days notice given upon a determination that the operator has substantially complied and can and will continue to comply with the terms of this chapter and the franchising contract; provided, that the Council, subject to the ordinary veto power of the mayor, may reverse any refusal of the Board to grant a renewal.

Sec. 8½-112. Penalties and Forfeiture of Franchise.

- (a) For certain violations of the provisions of this ordinance, civil penalties shall be chargeable to the security fund as follows:

(1) For failure to complete construction and installation of the system and commencement of providing service in accordance with Sec. 8½-41(b), unless the Council specifically approves the delay by resolution because of reasons beyond the control of the operator, the operator shall forfeit two hundred dollars (\$200) each day or part thereof that the failure continues.

(2) For failure to provide data and reports as requested by the Council or Board or required by this ordinance, the operator shall forfeit fifty dollars (\$50) each day or part thereof that the failure continues.

(3) For failure to pay the franchise fee when due pursuant to Sec. 8½-80, the franchise holder shall forfeit two hundred fifty dollars (\$250) each day or part thereof that the failure continues.

(4) For persistent failure to comply with such reasonable requests and recommendations as may be made by the Council and Board pursuant to authority granted by this ordinance, the franchise holder shall forfeit fifty dollars (\$50) each day or part thereof that the failure continues.

(5) For failure to restore the cash deposit as required in Sec. 8½-82 within the specified ten (10) days, the entire security fund deposit remaining shall be forfeited.

(b) If the civil penalties of subsection (a) are inapplicable or fail to secure compliance, in addition to all other rights and powers retained by the City by virtue of this chapter and the franchising contract or otherwise, the City shall have the right to terminate and cancel the franchise and all rights and privileges of the operator in the event that the operator:

(1) Violates any material provision of this chapter, the franchising contract, or any rule, regulation, order, or determination of the City, the Board, or the Council made pursuant to this chapter, except where such violation is cured within a reasonable time or where such violation, other than of Sec. 8½-87, is without fault or through excusable neglect;

(2) Attempts to evade any of the provisions of this chapter or the franchising contract or practices any fraud or deceit upon the City; or

(3) Fails to meet the construction schedule as established in the franchising contract or as modified by the Board at the end of any two (2) years unless such failure is without fault or through excusable neglect.

(c) Termination and cancellation may be affected only by ordinance of the Council, subject to the ordinary veto power of the Mayor, and shall in no way affect any other of the City's rights under this chapter, the franchising contract, or any provision of law. Any finding of fact, determined by the Council under this section shall be conclusive. However, before the franchise may be terminated and cancelled under this section, the operator must be provided with thirty (30) days notice and an opportunity to be heard before the Council or its designated committee.

Sec. 8½-113. Removal of the System.

Upon expiration or forfeiture of the franchise, as provided for in this chapter, the Council shall have the right to determine whether the operator shall continue to maintain and operate the cable television system pending the decision of the City as to the future maintenance and operation of the system.

Article VIII: Rules of Construction.

Sec. 8½-121. Regulations Issued by Other Governmental Units.

(a) This chapter and any franchise contract executed pursuant to this chapter shall not be construed as incorporating the laws, rules or regulations of any state or federal governmental unit claiming jurisdiction over the regulation of cable television, including the rules of the Federal Communication Commission, whether such laws, rules, or regulations have already been adopted or are adopted in the future.

(b) Should any court of competent jurisdiction at any time declare any provision (section, paragraph, sentence, clause or any other portion) of this chapter unenforceable because of conflict with the laws, rules, regulations of any state or federal governmental unit, then such unenforceable provision shall be treated as suspended, and shall become effective again immediately upon the repeal of the conflicting law, rule, or regulation and shall be subject to renegotiation.

Sec. 8½-122. Severability.

Should any provision (section, paragraph, sentence, clause, or any other portion) of this chapter 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 adoption of this chapter. To this end the provisions of this chapter are severable.

SECTION 2. "Pursuant to Sec. 8½-21 of the Code of Indianapolis and Marion County (as adopted in Section 1 of the Ordinance) the Council hereby determines that a franchise should be granted for all areas of the City which are not included within the area of a previously awarded franchise (as described in Sec. 8½-4 of the Code of Indianapolis and Marion County), and, following such procedures, or at such other time as the Council may deem proper, the Council will determine by resolution whether additional non-exclusive franchises should be granted for those areas of the City which are included within the area of a previously awarded franchise.

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. 414, 1979. Councillor Tinder moved, seconded by Councillor Schneider to strike this proposal which establishes procedures and requirements for franchising cable television systems and regulation of their operations. Proposal No. 414, 1979, was stricken by voice vote.

PROPOSAL NO. 527, 1979. Council consent was given for this proposal to be heard at this time. Councillor Tintera reported for the Economic Development Committee that this proposal approves economic development bonds in the amount of \$2,500,000 for Transcon Lines Project. After brief discussion, Councillor Tintera moved for adoption, seconded by Councillor Durnil. Proposal No. 527, 1979, was adopted on the following roll call vote; viz:

22 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Schneider, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. West

NO NOES

7 NOT VOTING: Mr. Cantwell, Mr. Gilmer, Mr. Hawkins, Mr. Patterson, Mr. SerVaas, Mr. Vollmer, Mr. Walters

Proposal No. 527, 1979, was retitled SPECIAL ORDINANCE NO. 13, 1979, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 13, 1979

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1979 (Transcon Lines Project)", in the principal amount of Two million five hundred thousand dollars (\$2,500,000) and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 7, 1979, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities of Transcon Lines 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 Mortgage and Indenture of Trust, Official Statement, and Loan Agreement (such documents being hereafter referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) by Resolution adopted prior 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 revenue bonds, the loan of the net proceeds thereof to Transcon Lines for the purpose of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana and the repayment of said loan by Transcon Lines to be evidenced and secured by a promissory note of Transcon Lines 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 Mortgage and Indenture of Trust, Official Statement, and Loan 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 kept on file by the Clerk of the Council or the City Controller.

SECTION 3. The City of Indianapolis shall issue its "Economic Development First Mortgage Revenue Bond, Series 1979 (Transcon Lines Project)" in the total principal amount of Two million five hundred thousand dollars (\$2,500,000) for the purpose of procuring funds to loan to Transcon Lines in order to finance the economic development facilities as more particularly set out in the Loan Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Transcon Lines on its promissory note in the aggregate amount of Two million five hundred thousand dollars (\$2,500,000) which will be executed and delivered by the Company to evidence and secure said loan, and as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller is authorized and directed to sell such Bonds to the purchasers thereof at a stated rate of interest on the Bonds not to exceed 7 5/8% per annum and at a price not less than 98½% of the principal amount thereof.

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 Bonds authorized herein. The signatures of the Mayor and the City Clerk on the Bonds and coupons may be facsimile signatures. The City Clerk or City Controller is authorized to arrange for the delivery of such Bonds to the purchasers thereof, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust.

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust securing the Bonds shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1979 (Transcon Lines Project), and after the issuance of said Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as any of said Bonds 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. 528, 1979. Council consent was given for this proposal to be heard at this time. Councillor Tintera explained that this proposal approves economic development bonds for Capitol Supplies, Inc. Project in the amount of \$250,000, and moved for adoption. Proposal No. 528, 1979, was then adopted on the following roll call vote; viz:

19 AYES: *Mr. Anderson, Mrs. Brinkman, Mr. Campbell, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West*

NO NOES

10 NOT VOTING: *Mr. Boyd, Mr. Cantwell, Mr. Clark, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Lyons, Mr. Patterson, Mr. Pearce, Mr. Walters*

Proposal No. 528, 1979, was retitled SPECIAL ORDINANCE NO. 14, 1979, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 14, 1979

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1979 (Capitol Supplies, Inc. Project)" in the principal amount of Two Hundred and Fifty thousand dollars (\$250,000) and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 7, 1979, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities of Capitol Supplies, 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 Loan Agreement, Note and Mortgage and Indenture of Trust and Guaranty Agreement (such documents being hereafter referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) 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 revenue bonds, the loan of the net proceeds thereof to Capitol Supplies, Inc. for the purpose of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana and the repayment of said loan by Capitol Supplies, Inc. to be evidenced and secured by a promissory note of Capitol Supplies, Inc., the securing of said revenue bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, and the guarantee of the payment of principal and interest on said bonds under the Guaranty Agreement, 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, Note, Mortgage and Indenture of Trust, Guaranty 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 kept on file by the Clerk of the Council or the City Controller.

SECTION 3. The City of Indianapolis shall issue its "Economic Development First Mortgage Revenue Bond, Series 1979 (Capitol Supplies, Inc.) in the total principal amount of Two hundred and fifty thousand dollars (\$250,000) for the purpose of procuring funds to loan to Capitol Supplies, Inc. in order to finance the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Capitol Supplies, Inc. on its promissory note in the aggregate principal amount of Two hundred and fifty thousand dollars (\$250,000) which will be executed and delivered by Capitol Supplies, Inc. to evidence and secure said loan, from other sources under the Loan Agreement and as otherwise provided in the above described Mortgage and Indenture of Trust and Guaranty Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller is authorized and directed to sell such Bonds to the purchasers thereof at a rate of interest on the Bonds not to exceed 10% per annum and at a price not less than 100% of the principal amount thereof.

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 Bonds authorized herein. The signatures of the Mayor and the City Clerk on the Bonds and coupons may be facsimile signatures. The City Clerk or City Controller is authorized to arrange for the delivery of such Bonds to the purchasers thereof, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust.

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust securing the Bonds shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1979 (Capitol Supplies, Inc. Project), and after the issuance of said Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as any of said Bonds 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. 566, 1979. Councillor West moved that this proposal changing parking restrictions on the 6100 block of Indianola Avenue, be advanced on the agenda, and heard at this time. He reported that the Transportation Committee had heard the proposal at the meeting on November 14, 1979, and it received a "do pass" recommendation. Following discussion, Proposal No. 566, 1979 was adopted on the following roll call vote; viz:

25 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mrs. Journey, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

NO NOES

4 NOT VOTING: Mr. Hawkins, Mr. Kimbell, Mr. Patterson, Mr. Walters

Proposal No. 566, 1979, was retitled GENERAL ORDINANCE NO. 130, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 130, 1979

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Section 29-270, Parking prohibited during specified hours on certain days.

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

PART I

Chapter 29 of the Code of Indianapolis and Marion County, specifically "Section 29-270, Parking prohibited during specified hours on certain days," be and the same is hereby amended by the deletion of the following to wit:

From 8:00 a.m. to 1:00 p.m.

Indianola Avenue, both sides, between Sixty-first Street and Sixty-second Street

PART II

Chapter 29 of the Code of Indianapolis and Marion County, specifically, "Section 29-270, Parking prohibited during specified hours on certain days," be, and the same is hereby amended by the addition of the following, to wit:

From 8:00 a.m. to 1:00 p.m.

Indianola Avenue, between Sixty-first Street and Sixty-second Street on the West side, and from a point 122.43 feet of the intersection of Sixty-first Street and Indianola Avenue on the East side.

PART III

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

PART IV

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

SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 463, 1979. At Councillor Schneider's request, and by consent of the Council, Proposal No. 463, 1979 was postponed.

PROPOSAL NO. 519, 1979. Councillor Miller stated that the Administration Committee had recommended that the Council "do pass" this proposal appropriating \$270,000 for the Central Equipment Management Division. The Council recessed to a Committee of the Whole for a public hearing at 9:43 p.m. and reconvened at 9:44 p.m. After discussion, Councillor Miller moved for adoption, seconded by Councillor Howard. Proposal No. 519, 1979 was then adopted on the following roll call vote; viz:

25 AYES: *Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West*

NO NOES

4 NOT VOTING: *Mr. Cantwell, Mr. Patterson, Mr. Schneider, Mr. Walters*

Proposal No. 519, 1979, was retitled FISCAL ORDINANCE NO. 145, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 145, 1979

A FISCAL ORDINANCE amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional two hundred and seventy thousand dollars (\$270,000) in the City General Fund for purposes of the Department of Administration, Central Equipment Management and reducing the unappropriated and unencumbered balance in the City General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1979, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of purchasing additional unmarked police cars.

SECTION 2. The sum of Two hundred seventy thousand dollars (\$270,000) be and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

| | |
|------------------------------|-------------------|
| ADMINISTRATION | CITY GENERAL FUND |
| CENTRAL EQUIPMENT MANAGEMENT | |
| 50. Properties | <u>\$270,000</u> |
| TOTAL INCREASES | <u>\$270,000</u> |

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

| | |
|---------------------------------|-------------------|
| ADMINISTRATION | CITY GENERAL FUND |
| CENTRAL EQUIPMENT MANAGEMENT | |
| Unappropriated and Unencumbered | |
| City General Fund | <u>\$270,000</u> |
| TOTAL REDUCTIONS | <u>\$270,000</u> |

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

PROPOSAL NO. 534, 1979. Council consent was given for this proposal to be heard at this time. Councillor Tinder reported that this proposal directs the Council staff to design an intern program. After discussion, Councillor Tinder moved, seconded by Councillor Parker, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 534, 1979, by deleting the introduced version and substituting therefore, the proposal entitled: "Proposal No. 534, 1979, Committee Recommendations."

Councillor Tinder

The motion carried by unanimous voice vote. Proposal No. 534, 1979, As Amended, was then adopted by unanimous voice vote. Proposal No. 534, 1979, As Amended, was retitled COUNCIL RESOLUTION NO. 23, 1979, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 1979

A COUNCIL RESOLUTION authorizing the Council staff to design an intern program providing research for the Council.

WHEREAS, the City-County Council desires to encourage the participation of the higher educational system in the affairs of local government, and

WHEREAS, an intern program which draws students from all public and private higher educational institutions is an excellent means to accomplish this objective; now, therefore:

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

SECTION 1. The Council staff is directed to design an intern program. It is the intent of the Council that students should be selected primarily from private or public higher educational institutions in Marion County. It is the intent of the Council that the interns shall receive educational credit based on the determination of each institution and that compensation may be given to students if so directed by the President of the Council. The program designed by Council staff is subject to final approval by Council Resolution.

PROPOSAL NO. 530, 1979. Councillor West reported for the Public Safety Committee that this proposal appropriates an additional \$5,243 for the Superior Court, Criminal Division, Room III, financed by L.E.A.A. grants. The Council recessed to a Committee of the Whole for public hearing at 9:45 p.m. and reconvened at 9:46 p.m. After discussion, Councillor West moved for adoption, seconded by Councillor Tintera. Proposal No. 530, 1979, was adopted on the following roll call vote; viz:

25 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

NO NOES

4 NOT VOTING: Mr. Cantwell, Mr. McGrath, Mr. Patterson, Mr. Walters

Proposal No. 530, 1979, was retitled FISCAL ORDINANCE NO. 146, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 146, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional Five thousand two hundred forty-three dollars (\$5,243) in the Crime Control Fund for purposes of the Superior Court Criminal Division, Room III 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 expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of buying equipment financed by Crime Control funds.

SECTION 2. The sum of Five thousand two hundred forty-three dollars (\$5,243) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

| | |
|--|----------------|
| SUPERIOR COURT CRIMINAL DIVISION CRIME CONTROL FUND | |
| ROOM III | |
| 34. Equipment | <u>\$5,243</u> |
| TOTAL INCREASES | \$5,243 |

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

| | |
|---------------------------------|----------------|
| CRIME CONTROL FUND | |
| Unappropriated and Unencumbered | |
| Crime Control Fund | <u>\$5,243</u> |
| TOTAL REDUCTIONS | \$5,243 |

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

PROPOSAL NO. 531, 1979. Councillor West stated that this proposal is identical to Proposal No. 530, 1979, except the appropriation of \$5,243 is for the Superior Court, Criminal Division, Room IV, also financed by L.E.A.A. grants. The Council recessed to a Committee of the Whole for a public hearing at 9:47 p.m. and reconvened at 9:48 p.m. After discussion, Proposal No. 531, 1979, was adopted on the following roll call vote; viz:

23 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Lyons, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West
NO NOES

6 NOT VOTING: Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Patterson, Mr. Walters

Proposal No. 531, 1979, was retitled FISCAL ORDINANCE NO. 147, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 147, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional Five thousand two hundred forty-three dollars (\$5,243) in the Crime Control Fund for purposes of the Superior Court, Criminal Division, Room IV 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 expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.05 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of buying equipment financed by Crime Control funds.

SECTION 2. The sum of Five thousand two hundred forty-three dollars (\$5,243) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:
SUPERIOR COURT, CRIMINAL DIVISION

| ROOM IV | CRIME CONTROL FUND |
|------------------------|---------------------------|
| 84. Equipment | \$5,243 |
| TOTAL INCREASES | \$5,243 |

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

| CRIME CONTROL FUND | |
|--|----------------|
| Unappropriated and Unencumbered | |
| Crime Control Fund | \$5,243 |
| TOTAL REDUCTIONS | \$5,243 |

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

PROPOSAL NO. 532, 1979. Councillor West reported that this proposal appropriates \$13,172 for the County Prosecutor, financed by a Lilly grant. The Council recessed to a Committee of the Whole, during which Mr. Don Christenson spoke, for a public hearing at 9:49 p.m. and reconvened at 9:50 p.m. After brief discussion, Proposal No. 532, 1979, was adopted on the following roll call vote; viz:

20 AYES: Mr. Anderson, Mr. Boyd, Mr. Campbell, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Lyons, Mr. Miller, Mr. Page, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

1 NO: Mr. Howard

8 NOT VOTING: Mrs. Brinkman, Mr. Cantwell, Mr. Clark, Mrs. Journey, Mr. McGrath, Mrs. Parker, Mr. Patterson, Mr. Walters

Proposal No. 532, 1979, was retitled FISCAL ORDINANCE NO. 148, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 148, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional Thirteen thousand one hundred seventy-two dollars (\$13,172) in the County General Fund for purposes of the Marion County Prosecutor 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 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of funding the Victim/Witness Assistance Program for the fourth quarter of 1979.

SECTION 2. The sum of Thirteen thousand one hundred seventy-two dollars (\$13,172) 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:

| | |
|-------------------------|---------------------|
| PROSECUTOR | COUNTY GENERAL FUND |
| 10. Personal Services | \$11,300 |
| AUDITOR | |
| 24. Current Charges | 390 |
| 25. Current Obligations | <u>1,482</u> |
| TOTAL INCREASES | <u>\$13,172</u> |

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

| | |
|---------------------------------|-----------------|
| COUNTY GENERAL FUND | |
| Unappropriated and Unencumbered | |
| County General Fund | <u>\$13,172</u> |
| TOTAL REDUCTIONS | <u>\$13,172</u> |

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

PROPOSAL NO. 533, 1979. Councillor West explained that this proposal appropriates an additional \$3,326 for the County Prosecutor for criminal investigations. The Council recessed to a Committee of the Whole for a public hearing at 9:51 p.m. and reconvened at 9:52 p.m. After discussion, Proposal No. 533, 1979, was adopted on the following roll call vote; viz:

23 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. Lyons, Mr. Miller, Mr. Page, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

NO NOES

6 NOT VOTING: Mr. Cantwell, Mrs. Journey, Mr. McGrath, Mrs. Parker, Mr. Patterson, Mr. Walters

Proposal No. 533, 1979, was retitled FISCAL ORDINANCE NO. 149, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 149, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional Three thousand three hundred twenty-six dollars (\$3,326) in the Crime Control Fund for purposes of the Auditor and the Prosecutor 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 expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.05 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of paying the wages of a deputy prosecutor for the last two months of 1979, and paying associated fringes.

SECTION 2. The sum of Three thousand three hundred twenty-six dollars (\$3,326) 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:

| | |
|------------------------|---------------------------|
| PROSECUTOR | CRIME CONTROL FUND |
| 31. Personnel | \$3,000 |
| AUDITOR | |
| 30. Operating Expenses | 326 |
| TOTAL INCREASES | \$3,326 |

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

| | |
|---------------------------------|---------------------------|
| | CRIME CONTROL FUND |
| Unappropriated and Unencumbered | |
| Crime Control Fund | \$3,326 |
| TOTAL REDUCTIONS | \$3,326 |

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

SPECIAL ORDERS – UNFINISHED BUSINESS

PROPOSAL NO. 506, 1979. Councillor Coughenour reported for the Public Works Committee that this proposal approved public lighting contracts with Indianapolis Power and Light Company. Councillor Miller spoke relaying information he had received concerning expenses and the percentage of the increase. Councillor Miller stated that he was in favor of passing the ordinance but added that the Council should perhaps pursue alternatives. After discussion, Councillor Coughenour moved, seconded by Councillor Parker, for passage of the proposal. Proposal No. 506, 1979, was adopted on the following roll call vote; viz:

22 AYES: *Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer, Mr. West*

NO NOES

7 NOT VOTING: *Mr. Cantwell, Mr. Howard, Mr. Patterson, Mr. Schneider, Mr. Tinder, Mr. Walters*

Proposal NO. 506, 1979 was retitled GENERAL RESOLUTION NO. 15, 1979 and reads as follows:

CITY—COUNTY GENERAL RESOLUTION NO. 15, 1979

A GENERAL RESOLUTION ratifying, confirming, and approving the contract entered into on the 8th day of October, 1979, by and between the Indianapolis Power and Light Company, a Corporation, and the City of Indianapolis, Indiana, acting by and through its Department of Public Works, with the approval of its Mayor, for lighting public streets, avenues, alleys, and other public places and buildings and for furnishing and supplying electric current for light and power for all public buildings, public equipment and other public places.

WHEREAS, heretofore, to wit: on the 8th day of October, 1979, the City of Indianapolis, Indiana, acting by and through its Department of Public Works, by proper action and approval of its Board of Public Works and its Mayor, entered into the following contract and agreement with the Indianapolis Power & Light Company, to wit: (H.I.) Now, therefore:

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

SECTION 1. That the foregoing contract and agreement made and entered into by and between Indianapolis Power & Light Company, a corporation, and the City of Indianapolis, Indiana, on the 8th day of October, 1979, be and the same in all things hereby is ratified, confirmed and approved.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor, and compliance with all laws pertaining thereto.

SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO.529, 1979. Councillor West stated that this proposal transfers \$500 in the budget of the Superior Court, Criminal Division, Room IV for supplies. After brief discussion, Councillor West moved for adoption, seconded by Councillor Journey. Proposal No. 529, 1979, was then adopted on the following roll call vote; viz:

24 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

NO NOES

5 NOT VOTING: Mr. Campbell, Mr. Cantwell, Mr. Patterson, Mr. Pearce, Mr. Walters

Proposal No. 529, 1979, was retitled FISCAL ORDINANCE NO. 150, 1979, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 150, 1979

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating Five hundred dollars (\$500) in the County General Fund for purposes of the Superior Court, Criminal Division, Room IV and reducing certain other appropriations for the Superior Court, Criminal Division, Room IV.

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 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of purchasing office supplies.

SECTION 2. The sum of Five hundred dollars (\$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:

| SUPERIOR COURT, CRIMINAL DIVISION | |
|-----------------------------------|---------------------|
| ROOM IV | COUNTY GENERAL FUND |
| 22. Supplies | \$500 |
| TOTAL INCREASES | \$500 |

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

| SUPERIOR COURT, CRIMINAL DIVISION | |
|-----------------------------------|---------------------|
| ROOM IV | COUNTY GENERAL FUND |
| 10. Personal Services | \$500 |
| TOTAL REDUCTIONS | \$500 |

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

PROPOSAL NO. 309, 1979. Councillor Tinder moved to table this proposal adding a new Section 6-39: "Keeping of fowl prohibited" to the Code, until the next meeting of the Council, December 10, 1979. Councillor Parker seconded the motion which passed by unanimous voice vote.

PROPOSAL NOS. 535-538, 1979. Consent of the Council was given for these routine traffic ordinances, establishing intersection controls at various intersections. After brief explanations of the sites of the proposed controls, Councillor McGrath moved, seconded by Councillor Tinder, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 535, 1979, by deleting the introduced version and substituting therefore, the proposal entitled: "Proposal No. 535, 1979, Committee Recommendations."

Councillor McGrath

The motion carried by unanimous voice vote. Proposal No. 535, As Amended, 536, 537, 538, 1979 were then adopted on the following roll call vote; viz:

24 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Vollmer, Mr. West
NO NOES

5 NOT VOTING: Mr. Cantwell, Mr. Patterson, Mr. Schneider, Mr. Tintera, Mr. Walters

Proposal Nos. 535, As Amended, 536, 537, 538, 1979 were retitled GENERAL ORDINANCE NOS. 126-129, 1979, respectively, and read as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 126, 1979

A GENERAL ORDINANCE establishing intersection controls at certain intersections [Amends Code Section 29-92].

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

PART I

Chapter 29 of the Code of Indianapolis and Marion County, specifically "Sec. 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 |
|-----------|---|----------------------------------|-----------------|
| 20, Pg. 1 | Ashland Ave., Ridgewood Dr. & N. Shortridge Rd. | Ashland Ave. & N. Shortridge Rd. | Stop |
| 20, Pg.1 | Ashland Ave. & N. Shortridge Rd. | Ashland Ave. & N. Shortridge Rd. | Stop |
| 20, Pg.1 | Ashland Ave. & Potomac Ave. | E. 33rd St. & Ashland Ave. | Stop |

PART II

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

| BASE MAP | INTERSECTION | PREFERENTIAL | TYPE OF CONTROL |
|-----------|---|-------------------------------------|-----------------|
| 20, Pg.1 | Ashland Ave., Ridgewood Dr. & N. Shortridge Rd. | Ashland Ave. | Stop |
| 20, Pg.1 | Ashland Ave. & N. Shortridge Rd. | N. Shortridge Rd. | Stop |
| 20, Pg.1 | Ashland Ave. & Potomac Ave. | Ashland Ave. | Stop |
| 20, Pg. 1 | Elmhurst Dr. & E. 33rd Street | E. 33rd Street(WB) & Elmhurst Drive | Stop |

PART III

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

PART IV

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

CITY—COUNTY GENERAL ORDINANCE NO. 127, 1979

A GENERAL ORDINANCE establishing intersection controls at certain intersections [Amends Code Section 29-92].

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

PART I

Chapter 29 of the Code of Indianapolis and Marion County, specifically "Sec. 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 |
|-----------|--------------------------------|----------------|-----------------|
| 24, Pg. 8 | N. Harding St & W. 18th Street | N. Harding St. | Stop |

PART II

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

| BASE MAP | INTERSECTION | PREFERENTIAL | TYPE OF CONTROL |
|-----------|---------------------------------|--------------|-----------------|
| 24, Pg. 8 | N. Harding St. & W. 18th Street | None | 4-way Stop |

PART III

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

PART IV

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

CITY-COUNTY GENERAL ORDINANCE NO. 128, 1979

A GENERAL ORDINANCE establishing intersection controls at certain intersections [Amends Code Section 29-92].

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

PART I

Chapter 29 of the Code of Indianapolis and Marion County, specifically "Sec. 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 |
|-----------|---------------------------------|----------------|-----------------|
| 40, Pg. 2 | Emerson Avenue & Elmwood Avenue | Emerson Avenue | Stop |

PART II

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

| BASE MAP | INTERSECTION | PREFERENTIAL | TYPE OF CONTROL |
|-----------|---|--------------|-----------------|
| 40, Pg. 2 | Emerson Avenue & Elmwood Avenue | None | Signal |
| 46, Pg. 3 | E. County Line Rd. & Greenwood Park Mall (West Entrance)/ Ayr-Way (East Entrance) | None | Signal |

PART III

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

PART IV

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

CITY-COUNTY GENERAL ORDINANCE NO. 129, 1979

A GENERAL ORDINANCE establishing intersection controls at certain intersections [Amends Code Section 29-92].

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

PART I

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

| BASE MAP | INTERSECTION | PREFERENTIAL | TYPE OF CONTROL |
|-----------|-------------------------------|--------------------------------|-----------------|
| 23, Pg. 2 | Cunningham Rd. & Speedway Dr. | Cunningham Rd. | Stop |
| 23, Pg. 2 | Cunningham Rd. & 21st Street | Cunningham Rd. | Stop |
| 23, Pg. 1 | Clark Rd. & Cunningham Rd. | Cunningham Rd. | Stop |
| 23, Pg. 2 | Cunningham Rd. & Patton Dr. | Cunningham Rd. | Stop |
| 23, Pg. 2 | Cunningham Rd. & 18th Street | Cunningham Rd. | Stop |
| 23, Pg. 1 | Buick Dr. & Cunningham Rd. | Cunningham Rd. | Stop |
| 23, Pg. 1 | Cadillac Dr. & Cunningham Rd. | Cunningham Rd. | Stop |
| 23, Pg. 2 | Cunningham Rd. & 16th Street | 16th St. & Cunningham Rd.(SB) | Stop |
| 23, Pg. 6 | Whitcomb Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 6 | Worth Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 4 | Norfolk St. & 16th Street | 16th Street | Stop |
| 23, Pg. 1 | Biltmore Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 1 | Beeler Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 2 | Gerrard Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 1 | Allison Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 6 | Winton Ave. & 16th Street | None | Signal |
| 23, Pg. 5 | Presto Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 2 | Fisher Ave. & 16th Street | 16th Street | Stop |
| 23, Pg. 1 | Auburn St. & 16th Street | 16th Street | Stop |
| 23, Pg. 1 | Cord St. & 16th Street | 16th Street | Stop |
| 33, Pg. 6 | Main St. & 13th Ave. | None | Signal |
| 33, Pg. 8 | Southeast Pkwy & 13th Ave. | 13th Ave. | Stop |
| 33, Pg. 1 | Alton St. & 13th Ave. | 13th Ave. | Stop |
| 33, Pg. 3 | Churchman Ave. & 13th Ave. | Churchman Ave. & 13th Ave (SB) | Stop |
| 33, Pg. 3 | Churchman Ave. & 12th Ave. | Churchman Ave. | Stop |
| 33, Pg. 3 | Churchman Ave. & 11th Street | Churchman Ave. | Stop |
| 33, Pg. 3 | Churchman Ave. & 10th Ave. | Churchman Ave. | Stop |
| 33, Pg. 3 | Churchman Ave. & 9th Ave. | None | 4-way Stop |

| BASE MAP | INTERSECTION | PREFERENTIAL | TYPE OF CONTROL |
|-----------|-----------------------------------|--|-----------------|
| 40, Pg. 2 | Churchman Ave. & 8th Ave. | Churchman Ave. | Stop |
| 40, Pg. 2 | Churchman Ave. & 7th Ave. | Churchman Ave. | Stop |
| 40, Pg. 2 | Churchman Ave. & 6th Ave. | None | 3-way Stop |
| 40, Pg. 2 | Churchman Ave. & 5th Ave. | Churchman Ave. | Stop |
| 40, Pg. 2 | Churchman Ave. & 4th Ave. | Churchman Ave. | Stop |
| 40, Pg. 2 | Churchman Ave. & 3rd Ave. | Churchman Ave. | Stop |
| 40, Pg. 2 | Churchman Ave. & Schaff St. | Churchman Ave. | Stop |
| 40, Pg. 2 | Churchman Ave. & Churchman Bypass | Churchman Ave. (EB) & Churchman Bypass | Stop |

PART II

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

PART III

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

PROPOSAL NO. 491, 1979. Councillor Miller reported that this proposal appoints a member to the Human Rights Commission. Councillor Miller then moved, seconded by Councillor Campbell, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 491, 1979, by deleting the introduced version and substituting therefore, the proposal entitled: "Proposal No. 491, 1979, Committee Recommendations."

Councillor Miller

The motion carried by unanimous voice vote. After discussion, during which Councillor Miller stated that the member would be Kay Leslie, Proposal No. 491, 1979, As Amended, was adopted by unanimous voice vote. Proposal No. 491, 1979, As Amended, was retitled COUNCIL RESOLUTION NO. 24, 1979, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 1979

A COUNCIL RESOLUTION appointing a member to the Human Rights Commission.

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

SECTION 1. As a member of the Human Rights Commission, the Council appoints the following for the terms as noted thereon:

Kay Leslie - Term Expires 12-31-80

SECTION 2. The foregoing appointments shall be effective upon adoption by the City-County Council.

PROPOSAL NO. 518, 1979. Councillor Miller reported for the Administration Committee that this proposal transfers \$111,908 in the Finance Division's budget for the purposes of purchasing additional unmarked cars. After discussion, Mr. Miller moved for adoption, seconded by Councillor Schneider. Proposal No. 518, 1979, was then adopted on the following roll call vote; viz:

23 AYES: Mr. Anderson, Mr. Boyd, Mr. Campbell, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

NO NOES

6 NOT VOTING: Mrs. Brinkman, Mr. Cantwell, Mrs. Coughenour, Mr. Howard, Mr. Patterson, Mr. Walters

Proposal No. 518, 1979, was retitled FISCAL ORDINANCE NO. 151, 1979, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 151, 1979

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating One hundred eleven thousand nine hundred and eight dollars (\$111,908) in the City General Fund for purposes of Finance Division, Department of Administration and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of paying increased charges to Central Data Processing.

SECTION 2. The sum of One hundred eleven thousand nine hundred eight dollars (\$111,908) 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:

| | |
|-------------------------|-------------------|
| DEPT. OF ADMINISTRATION | CITY GENERAL FUND |
| FINANCE DIVISION | |

| | |
|--------------------------|------------------|
| 21. Contractual Services | <u>\$111,908</u> |
| TOTAL INCREASES | \$111,908 |

SECTION 4. The said increased appropriation is funded by the following reductions:
DEPT. OF ADMINISTRATION CITY GENERAL FUND
FINANCE DIVISION

| | |
|-----------------------|------------------|
| 10. Personal Services | <u>\$111,908</u> |
| TOTAL REDUCTIONS | <u>\$111,908</u> |

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

PROPOSAL NO. 521, 1979. Councillor Miller stated that this proposal approves tax anticipation borrowing for the Consolidated City and Special Service Districts for the first six months of 1980, and moved for adoption, seconded by Councillor Hawkins. Proposal No. 521, 1979, was then adopted on the following roll call vote; viz:

24 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. West

NO NOES

5 NOT VOTING: Mr. Cantwell, Mrs. Coughenour, Mr. Patterson, Mr. Schneider, Mr. Walters

Proposal No. 521, 1979, was retitled FISCAL ORDINANCE NO. 152, 1979, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 152, 1979

A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Park District Fund and Consolidated County Fund during the period of January 1, 1980 to June 30, 1980, in anticipation of current taxes levied in the year 1979 and collectible in the year 1980, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon: ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council, the Fire Special Service District Council, and the Sanitation Solid Waste Special Service District Council in authorizing the making of temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds that there will be insufficient funds in the Park District Fund to meet the current expenses of the Department of Parks and Recreation payable from said Fund prior to the June, 1980 distribution of taxes levied for said Fund; and

WHEREAS, the June, 1980 distribution of taxes to be collected for said Park District Fund will amount to more than Two million three hundred thousand dollars (\$2,300,000) and the interest cost of making a temporary loan for said Park District Fund; and

WHEREAS, the Controller has represented and the City-County Council now finds that there will be insufficient funds in the Consolidated County Fund to meet the current expenses of the Consolidated County Fund, payable from said Fund prior to June, 1980 distribution of taxes levied for said Fund; and

WHEREAS, the June, 1980 distribution of taxes to be collected for said Consolidated County Fund will amount to more than One million five hundred thousand dollars (\$1,500,000) and the interest cost of making a temporary loan for said Consolidated County Fund; and

WHEREAS, the Special Service District Council of the Police Special Service District has authorized the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Consolidated City Police Force Account in the amount of Six million six hundred thousand dollars (\$6,600,000) payable from the June, 1980 distribution of taxes levied for said account and the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Police Pension Fund in the amount of one million one hundred thousand dollars (\$1,100,000) payable from the June, 1980 distribution of taxes levied for said Fund; and

WHEREAS, the Special Service District Council of the Fire Special Service District has authorized the making of temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Fire Force Account in the amount of Five million six hundred thousand dollars (\$5,600,000) payable from the June, 1980 distribution of taxes levied for said account and the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Firemen's Pension Fund in the amount of One million one hundred thousand dollars (\$1,100,000) payable from the June, 1980 distribution of taxes levied for said Fund; and

WHEREAS, the Special Service District Council of the Solid Waste Special Service District has authorized the making of temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Sanitary Solid Waste General Fund in the amount of One million eight hundred thousand dollars (\$1,800,000) payable from the June, 1980 distribution of taxes levied for said Fund; and

WHEREAS, a necessity exists for the making of temporary loans for said Funds and Accounts in anticipation of current revenues for said Funds and Accounts actually levied and in course of collection for the year 1980; now, therefore:

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

SECTION 1. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Park District Fund of said City in the amount of Two million three hundred thousand dollars (\$2,300,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1980, which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate or rates per annum not to exceed the maximum rate provided by law, the exact rate or rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided, and said warrants to be substantially in the form set forth in Section 4. Said warrants shall be dated as of the date or dates of delivery of said warrants, and the interest accruing on the warrants to the date of maturity shall be added to and included in the face value of the warrants.

Said warrants shall mature and be payable on June 26, 1980. Said warrants including interest shall be payable from the Park District Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Park District Fund from the June, 1980 distribution of taxes for said Park District Fund is Two million three hundred thousand dollars (\$2,300,000) to the Park District Fund 1980 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and said Park District Fund 1980 Budget Fund No. 092, Character 25 Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity at the interest rate or rates bid by successful bidder or bidders for said warrants.

SECTION 2. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Consolidated County Fund of said City the amount of One million five hundred thousand dollars (\$1,500,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1980, which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate or rates per annum not to exceed the maximum rate provided by law the exact rate or rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided and said warrants to be substantially in the form set forth in Section 4. Said warrants shall be dated as of the date or dates of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the face value of the warrants. Said warrants shall mature and be payable on June 26, 1980. Said warrants including interest shall be payable from the Consolidated County Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Consolidated County Fund from the June, 1980 distribution of taxes for said Consolidated County Fund, One million five hundred thousand dollars (\$1,500,000), to the Consolidated County Fund 1980 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and the Consolidated County Fund 1980 Budget Fund No. 027, Character 25 Interest (Temporary Loans) the amount of interest of said principal computed from the date or dates of said warrants to the date of maturity at the interest rate or rates bid by the successful bidder or bidders for said warrants.

SECTION 3. Said tax anticipation time warrants shall be executed in the name of the City of Indianapolis by the Mayor of said City, countersigned by the Controller of said City, the corporate seal of said City to be affixed thereto and attested by the Clerk. Said warrants shall be payable at the office of the Marion County Treasurer, ex officio Treasurer of the City of Indianapolis.

SECTION 4. Said tax anticipation time warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, dates, statutory citation, and other data, to be properly completed prior to the execution and delivery thereof):
No. _____ Principal and Interest \$ _____

CITY OF INDIANAPOLIS
INDIANA TAX ANTICIPATION TIME WARRANT

On the _____ day of _____, 19____, the City of Indianapolis, in Marion County, Indiana, promises to pay to the bearer, at the office of the Marion County Treasurer, ex officio Treasurer of the City of Indianapolis, the sum of _____ including interest on the principal amount of this warrant from the date hereof to maturity, payable out of and from taxes levied in the year 19____, and payable in the year 19____, which said taxes are now in course of collection for the of the City of Indianapolis, with which to pay general and current operating expenses of _____.

This Tax Anticipation Time Warrant is one of a series of warrants aggregating a sum of _____ exclusive of interest added thereto to maturity, evidencing a temporary loan in anticipation of taxes levied and in course of collection for the _____ of said City.

Said Temporary loan was authorized by an ordinance duly adopted by the of the City of Indianapolis, at meetings thereof duly and legally convened and held on the _____ day of _____, 19__, for the purpose of providing funds for the _____ of said City of Indianapolis, in compliance with the Indiana Code of 1971, Title 18 and particularly Article 1, Chapter 4, thereof.

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

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

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

Dated this _____ day of _____, 19__.

CITY OF INDIANAPOLIS

By: _____
Mayor of the City of Indianapolis

COUNTERSIGNED:

By: _____
Controller of the City of Indianapolis

ATTEST:

By: _____
Clerk of the City- County Council

SECTION 5. The Controller is hereby authorized and directed to have said tax anticipation time warrants prepared, and the Mayor, the Controller, and the Clerk are hereby authorized and directed to execute said tax anticipation time warrants in the manner and substantially the form hereinbefore provided. The Controller shall sell said warrants at public sale. Prior to the sale of said warrants, the Controller shall cause to be published a notice of sale once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language and published in the City of Indianapolis, as provided by law. All bids for said warrants, shall be sealed and shall be presented to the Controller at his office, and all bids shall name a separate rate of interest for said warrants, or portion thereof bid for. The warrants or portion thereof bid for, shall be awarded to the bidder or bidders therefore submitting the lowest interest rate or rates. In the event two bidders submit the same interest rate for all or a portion of the warrants, such warrants shall be awarded to the bidder submitting the greatest premium. Any premium bid shall be used solely for the repayment of the principal of and interest on the warrants. No bid for less than par shall be considered, and the Controller shall have the right to reject any and all bids. The proper officers of the City are authorized to deliver the time warrants to the purchaser or purchasers of the agreed purchase price. The warrants may all be delivered at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to said delivery by and between the Controller and the purchaser or purchasers of the warrants.

SECTION 6. The proceedings had and action taken by the Board of Public Works of the City of Indianapolis in authorizing the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Sanitary Solid Waste General Fund for one million eight hundred thousand dollars (\$1,800,000) payable from the June, 1980 distribution of taxes levied for said funds, are hereby ratified, approved and confirmed and to the extent as may be required by law, shall be deemed to be proceedings had and action taken by this City-County Council, and are incorporated herein by reference.

SECTION 7. The proceedings had and action taken by the Special Service District Council of the Police Special Service District in authorizing the making of temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Consolidated City Police Force Account in the amount of six million six hundred thousand dollars (\$6,600,000) payable from the June, 1980 distribution of taxes levied for said Account and the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Police Pension Fund in the amount of one million one hundred thousand dollars (\$1,100,000) payable from the June, 1980 distribution of taxes levied for said Fund, are hereby ratified, approved, and confirmed, and to the extent as may be required by law, shall be deemed to be proceedings had and action taken by this City-County Council, and are incorporated herein by reference.

SECTION 8. The proceedings had and action taken by the Special Service District Council of the Fire Special Service District in authorizing the making of temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Consolidated City Fire Force Account, in the amount of five million six hundred thousand dollars (\$5,600,000) payable from the June, 1980, distribution of taxes levied for said Account and the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Firemen's Pension Fund in the amount of one million one hundred thousand dollars (\$1,100,000) payable from the June, 1980 distribution of taxes levied for said Fund are hereby ratified, approved, and confirmed and to the extent as may be required by law, shall be deemed to be proceedings had and action taken by this City-County Council, and are incorporated herein by reference.

SECTION 9. The proceedings had and action taken by the Special Service District Council of the Solid Waste Special Service District in authorizing the making of temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Sanitary Solid Waste General Fund, in the amount of one million eight hundred thousand dollars (\$1,800,000) payable from the June, 1980 distribution of taxes levied for said Fund, are hereby ratified, approved, and confirmed and to the extent as may be required by law, shall be deemed to be proceedings had and action taken by this City-County Council, and are incorporated herein by reference.

SECTION 10. This ordinance shall be in full force and effect from and after its adoption and compliance with all laws pertaining thereto.

PROPOSAL NO. 583, 1979. Councillor Howard moved the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that the Rules of the Council on preparation, initiation, and introduction of Proposals be suspended and the attached material be introduced as Proposal No. 583, 1979, although not timely submitted under the Rules.

Councillor Howard

The motion was seconded by Councillor Vollmer, and was adopted by unanimous voice vote. Councillor Howard then read the proposal recognizing Mr. Ellis Diggs and establishing November 30, 1979, as "Crispus Attucks Athletic Alumni Day." Proposal No. 538, 1979, was then adopted by unanimous voice vote. Proposal No. 538, 1979 was retitled SPECIAL RESOLUTION NO. 45, 1979, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 45, 1979

A SPECIAL RESOLUTION recognizing Ellis Diggs.

WHEREAS, the Crispus Attucks Athletic Alumni Association, Inc., will have its annual testimonial service on Friday, November 30, 1979, at the Essex House; and

WHEREAS, the Alumni Association will honor its distinguished graduate, Ellis Diggs; and

WHEREAS, the Crispus Attucks Alumni Association has awarded annual book scholarships to students from Crispus Attucks to assist in their college education; and

WHEREAS, Ellis Diggs has been a devoted educator at School 26 and has motivated hundreds of youth to remain in school through his special programs, now, therefore:

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

SECTION 1. November 30, 1979, is hereby proclaimed as "Crispus Attucks Athletic Alumni Association Day" and all our citizens are urged to recognize the contribution that the Crispus Attucks Athletic Alumni Association has made to the community, and particularly the contribution made to our youth by Mr. Ellis Diggs, this year's honoree.

PROPOSAL NOS. 569-580, 1979. No action was taken on these proposals. They were retitled REZONING ORDINANCE NOS. 142-153, 1979, and read as follows:

REZONING ORDINANCE NO. 142, 1979. 79-Z-136 PERRY TOWNSHIP COUNCILMANIC DISTRICT NO. 20

3510 SOUTH KEYSTONE AVENUE, INDIANAPOLIS

E & F Realty Company, 6900 S. Gray Road, requests rezoning of 6.318 acres, being in D-4 and C-4 districts, to C-ID classification, to provide for wholesale, retail and industrial type uses.

REZONING ORDINANCE NO. 143, 1979. 79-Z-144 DECATUR TOWNSHIP COUNCILMANIC DISTRICT NO. 19

4041 S. FOLTZ STREET, INDIANAPOLIS

Mars Hill Free Methodist Church and Martha VanDeventer, 3601 S. Foltz, request rezoning of 8.682 acres, being in A-2 district, to SU-1 classification, to provide for church related buildings.

REZONING ORDINANCE NO. 144, 1979. 79-Z-146 CENTER TOWNSHIP COUNCILMANIC DISTRICT NO. 11

4922-4958 EAST 30TH STREET, INDIANAPOLIS

Emmanuel Baptist Church by Don Knowles request rezoning of 3.30 acres, being in D-5 district, to SU-1 classification to conform zoning to church use permitted by variance and permit future expansion.

REZONING ORDINANCE NO. 145, 1979. 79-Z-147 WARREN TOWNSHIP COUNCILMANIC DISTRICT NO. 12

2933 NORTH WEBSTER AVENUE, INDIANAPOLIS

Citizens By-Projects Coal Company, 2020 N. Meridian St., requests rezoning of 0.60 acre, being in SU-42 district, to I-2-S classification, to provide for industrial use.

**REZONING ORDINANCE NO. 146, 1979. 79-Z-148 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
7205 NORTH SHADELAND AVENUE, INDIANAPOLIS**
Pearlie A. and Ina Kaye Schwartz request rezoning of 1.056 acres, being in SU-34B district, to C-1 classification, to provide for professional office use.

**REZONING ORDINANCE NO. 147, 1979. 79-Z-149 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 7
3637 EAST 38TH STREET, INDIANAPOLIS**
Amoco Oil Company by Phillip E. Frames, et al, request rezoning of 0.465 acre, being in D-5 district, to C-4 classification, to provide for commercial use.

**REZONING ORDINANCE NO. 148, 1979 79-Z-152 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 11
5009 EAST 38TH STREET, INDIANAPOLIS**
Indiana Bell Telephone Company, Inc., 240 N. Meridian Street, requests rezoning of 1.45 acres, being in C-4 district, to SU-20 classification, to conform zoning to existing use and permit construction of an addition to existing building for telecommunications services use.

**REZONING ORDINANCE NO. 149, 1979. 79-Z-154 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 4
7050 EAST 47 TH STREET, LAWRENCE, INDIANA**
Rena Jo & Richard Watson by Usama H. Dajani, 6419 E. 55th Place, request rezoning of 1.58 acres, being in D-6 district, to C-1 classification, to provide for office, laboratory and kitchen use for professional business.

**REZONING ORDINANCE NO. 150, 1979. 79-Z-155 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
2715 KENTUCKY AVENUE, INDIANAPOLIS**
South Side Sanitary Disposal & Transfer, Inc., 2715 Kentucky Avenue, requests rezoning of 4.48 acres, bein in I-3-S and C-3 districts, to C-7 classification, to provide for out-door sales and rental of heavy equipment.

**REZONING ORDINANCE NO. 151, 1979 79-Z-158 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
4102 EAST WASHINGTON STREET, INDIANAPOLIS**
LCO Realty, Inc., 1426 N. Leland, requests rezoning of 0.263 acres, being in D-8 district, to C-1 classification, to provide for professional office.

**REZONING ORDINANCE NO. 152, 1979 79-Z-160 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
9040 WESLEYAN ROAD, INDIANAPOLIS**
College Life Insurance Company of America, requests rezoning of 3.69 acres, being in C-4 district, to C-6 classification, to provide for construction of 152 units motel, to be expanded to 200 units later.

**REZONING ORDINANCE NO. 153, 1979 79-Z-161 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
8758 CRAWFORDSVILLE ROAD, CLERMONT, INDIANA**
Russell D. Strakis & K. Hamilton, 1405 North Concord, request rezoning of 1.81 acres, being in A-2 district, to C-3 classification, to provide for increase size of restaurant, to have pizza and beer in one store room and beauty parlor in other two rooms.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Kimbell requested a question of personal privilege, expressing his gratitude for the opportunity to serve his constituents as a Councillor, and urged other Councillors who will no longer be on the Council after the first of the year, to continue to serve the community through service as dedicated citizens.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:15 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 and Marion County, held at its Regular Meeting, on the 19th day of November, 1979.

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

ATTEST:

Burt Serna
President

James S. Kopp
Clerk of the City-County Council

(SEAL)