

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

**REGULAR MEETINGS
MONDAY, MAY 24, 1993**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, May 24, 1993, with Councillor SerVaas presiding.

Councillor Schneider led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
2 ABSENT: Hinkle, Rhodes

A quorum of twenty-seven members being present, the President called the meeting to order.

[Clerk's Note: Councillors Hinkle and Rhodes arrived shortly thereafter.]

INTRODUCTION OF GUESTS AND VISITORS

Councillor Smith introduced members of Acton United Methodist Church's Boy Scout Troop No. 104: Justin DeWell, Randy Garriott, Pete Lyons, Andy Sisk, and their leader Mike Garriott.

Councillor O'Dell introduced racecar driver, Dominic Dobson, No. 66 with the Burns Racing Team; also present with Mr. Dobson were Mr. and Mrs. Burns; Leon Younger, Director, Department of Parks and Recreation (DPR); and Mark Bowell, Administrator, Marketing Services Division, DPR.

Councillor Boyd acknowledged the presence of Tom and Moon Jung of ABC Beauty Supply.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 24, 1993, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
Beurt SerVaas, President
City-County Council

May 11, 1992

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, May 13, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 231, 242, 243, 244, 245, 272 and 273, 1993, to be held on Monday, May 24, 1993, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

May 13, 1992

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, May 20, 1993, a copy of a Revised LEGAL NOTICE on General Ordinance No. 40, 1993.

Respectfully,
s/Beverly S. Rippy
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, Beverly S. Rippy, the following ordinances and resolutions:

May 24, 1993

FISCAL ORDINANCE NO. 32, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1993) appropriating an additional Thirty Thousand Dollars (\$30,000) in the County General Fund for purposes of the Marion County Public Defender and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 34, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1993) transferring and appropriating an additional Two Hundred Seventy Thousand Seven Hundred Twenty-three Dollars (270,723) in the County General Fund for purposes of the Marion County Public Defender Agency and reducing certain other appropriations for the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the County General Fund.

GENERAL RESOLUTION NO. 11, 1993, approving certain public purpose grants for support of the arts.

GENERAL RESOLUTION NO. 12, 1993, approving Board of Public Works Resolution No. 3073-1993, a Resolution Declaring Certain Sewer Service Final Accounts as Uncollectible and Authorizing the Cessation of Further Collection Efforts.

SPECIAL RESOLUTION NO. 24, 1993, remembering Richard W. Guthrie.

SPECIAL RESOLUTION NO. 25, 1993, recognizing King's Kids.

SPECIAL RESOLUTION NO. 26, 1993, recognizing DPW retiree Bobby Lee Dorney.

SPECIAL RESOLUTION NO. 27, 1993, recognizing the 1993 White River Park State Games.

SPECIAL RESOLUTION NO. 28, 1993, designating a section of Tenth Street as the "Vietnam Veterans Memorial Way."

SPECIAL RESOLUTION NO. 29, 1993, amending City-County Special Resolution No. 39, 1993, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 30, 1993, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 31, 1993, confirming local court rule authorizing filing of court pleadings by facsimile transmission.

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of May 10, 1993. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 306, 1993. Councillor Boyd read the proposal which condemns the actions of the local Black Panther Militia. The President said that Mmoja Ajabu, leader of the Black Panthers, wished to address the Council. Councillor Black moved, seconded by Councillor Jones, that the City-County Council of the City of Indianapolis grant the Black Panthers the right to present their case before the City-County Council of the City of Indianapolis. Councillor Black's motion was defeated by the following roll call vote; viz:

10 YEAS: *Black, Boyd, Brents, Franklin, Gray, Jones, Moriarty, O'Dell, Smith, West*
17 NAYS: *Beadling, Borst, Coughenour, Curry, Dowden, Giffin, Gilmer, Golo, Jimison, McClamroch, Mullin, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Williams*
2 NOT PRESENT: *Hinkle, Rhodes*

The President said that he informed the Black Panthers that they may request to make a public statement and a provision will be made for them to address the members of this Council.

Proposal No. 306, 1993 was adopted by majority voice vote. Proposal No. 306, 1993 was retitled SPECIAL RESOLUTION NO. 32, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 1993

A SPECIAL RESOLUTION condemning the action of the local Black Panther Militia and supporting the right of all American citizens to peacefully engage in the conduct of business.

WHEREAS, a local group known as the Black Panther Militia and not representative of any significant segment of the Indianapolis Black or African-American population has selected at least one local business to boycott solely on the basis that it operates in a Black community and is not Black owned; and

WHEREAS, specifically directed bigotry rarely maintains its focus but tends to make targets of both the intended and unintended and puts at risk any minority group which embraces bigotry, prejudice and discrimination as tools toward any end; and

WHEREAS, the American constitution does not provide for classes of citizenship upon which is based a system of selected rights, privileges and apportioned entitlements to economic opportunity; and

WHEREAS, though the American ideal of justice and equality for all citizens has not been fully met, it must remain a viable ideal toward which all Americans must strive; and

WHEREAS, this city and nation can never afford to run the risk of having quietness on issues of intolerance, injustice and denied opportunity interpreted as acceptance of them; now, therefore:

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

SECTION 1. The members of the Indianapolis City-County Council join the sponsor and author of this resolution, African-American Councillor Rozelle Boyd, in condemning the recent actions and boycott by the Black Panther Militia.

SECTION 2. Be it further resolved that this Council reaffirms its commitment to full opportunity for all; and full access of all citizens to the Constitutional rights and privileges of their citizenship.

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

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

PROPOSAL NO. 136, 1993. Councillor Schneider reported that the Municipal Corporations Committee heard Proposal No. 136, 1993 on May 20, 1993. The proposal appoints Nelson S. Hart to the Beech Grove Public Library Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor West, for adoption. Proposal No. 136, 1993 was adopted by unanimous voice vote.

Proposal No. 136, 1993 was retitled COUNCIL RESOLUTION NO. 51, 1993 and reads as follows:

May 24, 1993

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 1993

A COUNCIL RESOLUTION appointing Nelson S. Hart to the Beech Grove Public Library Board.

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 Beech Grove Public Library Board, the Council appoints:

Nelson S. Hart

SECTION 2. The appointment made by this resolution is for a term ending March 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 287, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by adding a new Section 23-13 concerning an early retirement benefit program;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 288, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing procedures for accounting and appropriations of revenues from the law enforcement education program fee;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 289, 1993. Introduced by Councillors Rhodes and McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$11,210 for the Washington Township Assessor to cover supply and computer equipment expenses;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 290, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,840 for the County Commissioners to pay a speaker fee for the Marion County Parent Teachers Association;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 291, 1993. Introduced by Councillors Coughenour and Brents. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION concerning the availability of mental health services;" and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 292, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code regarding the noise caused by the construction or repair of buildings;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 293, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disbursement of a portion of the Community Development Block Grant Funds;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 294, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$175,000 for the Sheriff to pay Riverside Community Corrections to house inmates during the months of April-July 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 295, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reappropriating \$62,400 for the Prosecuting Attorney and repealing Fiscal Ordinance No. 29, 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 296, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$140,665 of Home Detention User Fees for Community Corrections to cover operating expenses for the 1993-1994 fiscal year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 297, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$746,385 for Community Corrections to utilize a state grant for fiscal year 1993-1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 298, 1993. Introduced by Councillors SerVaas, Borst, Coughenour, Curry, Dowden, Hinkle and O'Dell. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION creating the Court Space Reorganization Commission"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 299, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning the powers and duties of the Metropolitan Emergency Communications Agency and its Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 300, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Brice A. Tressler to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 301, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Bernie Paul to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 302, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Fred G. Johnston, Jr. to the Board of Ethics;" and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 303, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Judy Seubert to the Board of Ethics;" and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 304, 1993. Introduced by Councillors Coughenour, Beadling, Borst, Boyd, Curry, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, SerVaas, Shambaugh, Short, Smith and Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning smoking restrictions;" and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 305, 1993. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION establishing a Task Force on Consultant Policies;" and the President referred it to the Administration and Finance Committee.

[Clerk's Note: Councillor Hinkle arrived at this time.]

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 269, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 269, 1993 on May 5 and 20, 1993. The proposal authorizes the issuance of City of Indianapolis, Indiana Economic Development Health Care Facility Revenue Bond (Castleton Nursing Home Project) Series 1993 in the principal amount not to exceed \$2,500,000. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 269, 1993 was adopted on the following roll call vote; viz:

21 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, West, Williams

0 NAYS:

7 NOT VOTING: Black, Boyd, Brents, Gilmer, Golc, Short, Smith

1 NOT PRESENT: Rhodes

Proposal No. 269, 1993 was retitled SPECIAL ORDINANCE NO. 4, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Economic Development Health Facility Revenue Bond Series A (Castleton Nursing Home Project), in the aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), and approving and authorizing other actions in respect thereto.

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition and construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

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 American Health Care-Castleton, Inc. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on May 5, 1993 pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by American Health Care-Castleton, Inc. (the "Company") consisting of the acquisition of a one-story nursing home facility containing approximately 39,222 square feet and a separate laundry building containing approximately 1,440 square feet, both of which are located at 7630 E. 86th Street, Indianapolis, Indiana on approximately 5.72 acres of land; the acquisition of machinery, equipment, and furnishings for use in the facilities; and the acquisition, construction, renovation, installation, and equipping of various site improvements at the facilities (the "Project") which will be initially owned by American Health Care-Castleton, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively, the "Act") and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") intends to issue its Economic Development Health Facility Revenue Bond, Series A (Castleton Nursing Home Project) in the principal amount not to exceed Two Million Five Hundred Dollars (\$2,500,000) (the "Bond") dated as of May 1, 1993 in order to obtain funds to lend to American Health Care-Castleton, Inc. (the "Company") pursuant to a Loan Agreement (the "Loan Agreement") dated as of May 1, 1993, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the acquisition of a one-story nursing home facility containing approximately 39,222 square feet and a separate laundry building containing approximately 1,440 square feet, both of which are located at 7630 E. 86th Street, Indianapolis, Indiana on approximately 5.72 acres of land; the acquisition of machinery, equipment, and furnishings for use in the facilities; and the acquisition, construction, renovation, installation, and equipping of various site improvements at the facilities (the "Project"); and to pay a portion of the costs of issuance of the Bond; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bond pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bond as the same become due and payable and to pay administrative expenses in connection with the Bond; and

WHEREAS, pursuant to an Assignment from the Issuer to National Healthcorp, L.P. (the "Purchaser") (the "Assignment") dated as of May 1, 1993, the Issuer will assign certain of its rights under the Loan Agreement as security for the Bond; and

WHEREAS, American Health Care, Inc. (the "Guarantor") will enter into a Guaranty Agreement (the "Guaranty Agreement") with the Purchaser dated as of May 1, 1993; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Assignment, Guaranty Agreement, Promissory Note, Real Estate Mortgages and the form of the City of Indianapolis, Indiana Economic Development Health Facility Revenue Bond, Series A (Castleton Nursing Home Project) 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 Financing Documents (as hereinafter defined) consisting of the Project, the issuance and sale of the Bond, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the 1) Loan Agreement; 2) Assignment; 3) Guaranty Agreement; 4) Promissory Note; 5) Real Estate Mortgage from the Company to the Purchaser; 6) Real Estate Mortgage from the Guarantor to the Purchaser; and 7) Bond (hereinafter referred collectively as the "Financing Documents") approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. In compliance with IC 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bond in the principal amount not to exceed Two Million Five Hundred Dollars (\$2,500,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bond will be payable as to principal and interest solely from the payments made by the Company pursuant to the Promissory Note in the principal amount equal to the principal amount of the Bond which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bond to the purchaser at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 10%.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bond may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bond to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Bond shall be dated a date not later than ninety (90) days after the date of adoption of this special ordinance by this Council. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bond and after the issuance of said Bond, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bond or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

[Clerk's Note: Councillor Rhodes arrived at this time.]

PROPOSAL NOS. 307-313, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on May 21, 1993". The Council did not schedule Proposal Nos. 307-313, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 307-313, 1993 were retitled REZONING ORDINANCE NOS. 68-74, 1993 and are identified as follows:

REZONING ORDINANCE NO. 68, 1993. 93-Z-48 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT #17.

5050 WEST TROY AVENUE (approximate address), INDIANAPOLIS.

MAURER AND ASSOCIATES, INC. requests the rezoning of 2.31 acres, being in the D-A District, to the D-5II classification to provide for the development of a residential subdivision by platting.

REZONING ORDINANCE NO. 69, 1993. 93-Z-49 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 05.

9901 EAST 38TH STREET (approximate address), INDIANAPOLIS.

JESUS SAVES LIGHTHOUSE CHURCH requests the rezoning of 5 acres, being in the C-4 District, to the SU-I classification to provide for an addition to a church and a school.

REZONING ORDINANCE NO. 70, 1993. 93-Z-50 (DP-5) WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 07.

2051 WEST 79TH STREET (approximate address), INDIANAPOLIS.

WEIHE DEVELOPMENT CORPORATION, by Philip A. Nicely, requests the rezoning of 7.03 acres, being in the DP District, to the DP classification to provide for a 25-lot subdivision consistent with the new adjacent subdivision (Harcourt Springs).

REZONING ORDINANCE NO. 71, 1993. 93-Z-52 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 12.

7145 EAST 21ST STREET (approximate address), INDIANAPOLIS.

BEVERLY ENTERPRISES, INC., by Donald E. WILLIAMS, requests the rezoning of 3.0 acres, being in the SU-6 District, to the C-1 classification to provide for the expansion of an existing nursing home, including laundry facility, conversion of office space to residential rooms and rehabilitation area, remodeling of existing residential rooms, common areas and office space.

REZONING ORDINANCE NO. 72, 1993. 93-Z-53 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 01.

6510 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.
ESTRIDGE DEVELOPMENT COMPANY, INC. requests the rezoning of 0.49 acre, being in the D-6II District, to the D-3 classification to provide for single-family residential development by platting.

REZONING ORDINANCE NO. 73 1993. 93-Z-76 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #5,

12151 EAST 65TH STREET (approximate address), LAWRENCE.
CROOKED CREEK AT GEIST DEVELOPMENT CO., INC., by Thomas Michael Quinn, requests the rezoning of 3.392 acres, being in the D-A District to the C-3 zoning classification to provide for commercial development.

REZONING ORDINANCE NO. 74, 1993. 93-Z-77 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #5.

12201 EAST 65TH STREET (approximate address), LAWRENCE.
CROOKED CREEK AT GEIST DEVELOPMENT CO., INC., by Thomas Michael Quinn, requests the rezoning 30.635 acres, being in the D-A District to the D-5II classification to provide for residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 108, 1993. The proposal appropriates \$27,677 for the Superior Court, Criminal Division, Room Five, to cover overtime expenses and the salary of an additional clerk. Councillor Dowden asked for consent to postpone Proposal No. 108, 1993 until June 21, 1993. Consent was given.

PROPOSAL NO. 179, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 179, 1993 on May 17, 1993. The proposal appropriates \$86,214 for the County Auditor to pay the law enforcement continuing education program fees for the law enforcement agencies within Marion County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

The President called for public testimony at 7:37 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, to strike. Proposal No. 179, 1993 was stricken by unanimous voice vote.

PROPOSAL NOS. 231 and 242, 1993. The President ruled that these two proposals would be voted on together. PROPOSAL NO. 231, 1993. The proposal appropriates \$108,095 to the County Recorder to cover the personnel expenses. PROPOSAL NO. 242, 1993. The proposal appropriates \$20,053 for the County Recorder to purchase additional magnetic disk storage and work stations. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 231 and 242, 1993 on May 17, 1993. By a 7-1 vote, the Committee reported Proposal No. 231, 1993 to the Council with the recommendation that it do pass as amended. By a 7-0 vote, the Committee reported Proposal No. 242, 1993 to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:41 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal Nos. 231 and 242, 1993 were adopted on the following roll call vote; viz:

24 YEAS: Borst, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

5 NOT VOTING: Beadling, Black, Boyd, Franklin, Williams

Proposal No. 231, 1993, as amended, was retitled FISCAL ORDINANCE NO. 36, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Eight Thousand Ninety-five Dollars (\$108,095) in the County General Fund for purposes of the County Recorder 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 1.02 (h) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Recorder.

SECTION 2. The sum of One Hundred Eight Thousand Ninety-five Dollars (\$108,095) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COUNTY RECORDER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 75,500
3. Other Services and Charges	21,900
 <u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>10,695</u>
TOTAL INCREASE	\$108,095

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>\$108,095</u>
TOTAL REDUCTION	\$108,095

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

Proposal No. 242, 1993, as amended, was retitled FISCAL ORDINANCE NO. 37, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Twenty Thousand Fifty-three Dollars (\$20,053) in the Recorder's Perpetuation Fund for purposes of the County Recorder and reducing the unappropriated and unencumbered balance in the Recorder's Perpetuation 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 1.02 (h) of the City-County Annual Budget for 1993, be and is hereby amended by the increases

and reductions hereinafter stated for purposes of the County Recorder to purchase additional magnetic disk storage and work stations.

SECTION 2. The sum of Twenty Thousand Fifty-three Dollars (\$20,053) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COUNTY RECORDER</u>	<u>RECORDER'S PERPETUATION FUND</u>
4. Capital Outlay	<u>\$20,053</u>
TOTAL INCREASE	\$20,053

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

	<u>RECORDER'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Recorder's Perpetuation Fund	<u>\$20,053</u>
TOTAL REDUCTION	\$20,053

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

PROPOSAL NO. 243, 1993. The proposal transfers and appropriates \$15,500,378 for the Department of Metropolitan Development, Division of Neighborhood and Development Services, to comply with the Redevelopment Act which requires that monies given or paid for redevelopment purposes shall be credited to the redevelopment fund. Councillor Borst asked for consent to postpone Proposal No. 243, 1993 until June 7, 1993. Consent was given.

PROPOSAL NO. 244, 1993. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 244, 1993 on May 20, 1993. The proposal appropriates \$115,300 for the Department of Parks and Recreation, Recreation and Special Facilities Division and Natural Resources Division, to use for purposes as specified by donors such as developing Skiles Test Estate Park. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:46 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Jones, for adoption. Proposal No. 244, 1993 was adopted on the following roll call vote; viz:

- 24 YEAS: *Black, Borst, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West*
- 0 NAYS:
- 5 NOT VOTING: *Beadling, Boyd, Franklin, Schneider, Williams*

Proposal No. 244, 1993 was retitled FISCAL ORDINANCE NO. 38, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Fifteen Thousand Three Hundred Dollars (\$115,300) in the Park General Fund for purposes of the Department of Parks & Recreation, Recreation and Special Facilities and Natural Resources and reducing the unappropriated and unencumbered balance in the Park General Fund.

May 24, 1993

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation, Recreation and Special Facilities and Natural Resources to develop the Skiles Test Estate Park, and upgrade various facilities with grants and gifts in accordance with donor bequests.

SECTION 2. The sum of One Hundred Fifteen Thousand Three Hundred Dollars (\$115,300) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION, RECREATION AND SPECIAL FACILITIES DIVISION, <u>AND NATURAL RESOURCES DIVISION</u>	<u>PARK GENERAL FUND</u>
2. Supplies	\$ 8,700
3. Other Services and Charges	15,700
4. Capital Outlay	<u>90,900</u>
TOTAL INCREASE	\$115,300

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	<u>\$115,300</u>
TOTAL REDUCTION	\$115,300

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

PROPOSAL NO. 245, 1993. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 245, 1993 on May 20, 1993. The proposal authorizes the issuance and sale of a Note of the City of Indianapolis Park and Recreation District and to appropriate the proceeds of the Note. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:48 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Giffin, for adoption. Proposal No. 245, 1993 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

4 NOT VOTING: *Boyd, Franklin, Rhodes, Williams*

Proposal No. 245, 1993 was retitled FISCAL ORDINANCE NO. 39, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 1993

A FISCAL ORDINANCE authorizing and approving the issuance and sale to The Indianapolis Local Public Improvement Bond Bank of the City of Indianapolis Park District Note, Series 1993A, in a principal amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000) for the purpose of procuring funds to pay the principal of and accrued interest on the City of Indianapolis Park District Note, Series 1991A, and appropriating the proceeds of a note of the Park District of the City in an amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000).

WHEREAS, on May 13, 1993, the Board of Parks and Recreation of the City of Indianapolis, Indiana, being the governing body of the Park District of the City of Indianapolis, Indiana (the "Park District") adopted a Note Resolution authorizing the issuance and sale to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") of the City of Indianapolis Park District Note, Series 1993A in a principal amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000) (the "Note") for the purpose of procuring funds to pay the principal of and accrued interest on the City of Indianapolis Park District Note, Series 1991A, issued in the principal amount of Three Million Three Hundred Seventy Thousand Dollars (\$3,370,000) (the "Series 1991A Note") and to pay the costs of issuance of the Note; and

WHEREAS, Sec. 2-425 of the Code of Indianapolis and Marion County, Indiana requires the approval of the issuance of the Notes by the City-County Council; and

WHEREAS, the prior notes of the Park District, including the Series 1991A Note, were issued in anticipation of the issuance of bonds and it remains the intent of the City-County Council to issue bonds to repay the Note;

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the aforementioned purposes, and an extraordinary emergency and necessity exists for the making of the additional appropriation set forth herein;

WHEREAS, the Clerk of the City-County Council has caused notice of a public hearing on the appropriation to be published as required by law; now, therefore:

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

SECTION 1. The City-County Council hereby authorizes and approves the issuance of the Note and its sale to the Bond Bank all as set forth in the Note Resolution of the Park District and further approves the purposes for the which the proceeds of the Note are to be expended as set forth in the Note Resolution. This approval shall constitute the approval required by Section 2-425 of the Code of Indianapolis and Marion County, Indiana.

SECTION 2. The proceeds of the Note in an amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000) are hereby appropriated for the purpose of paying the principal of and accrued interest on the Series 1991A Note and paying costs of issuance of the Note, all as set forth in the Note Resolution.

SECTION 3. The Clerk of the City-County Council is hereby authorized and directed to provide a certified copy of the proceedings concerning this appropriation to the State Board of Tax Commissioners. The action of the City-County Council is final.

SECTION 4. This ordinance shall be effective upon and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Coughenour stated that the Air Pollution Control Board (Board) wants to reconsider Regulation XIII Asbestos Abatement (Regulation). Due to the technical basis for this Regulation the Council can only reject or accept it. She asked David Jordan, Assistant Administrator, Environmental Resources Management Division, to explain the Board's recommendation.

Mr. Jordan said that the Board at its April meeting passed amendments to the Asbestos Regulation. Since that time the Board discovered some additional information which was discussed at the May meeting. At that time the Board voted to reconsider the Regulation. Questions have been raised because the ordinance is silent on whether or not the Board can in fact reconsider a regulation that has already been passed. The Board recommends that the Council reject the Regulation so as to allow the Board to reconsider it.

Councillor Schneider stated that he believes the Regulation goes further than what is required.

Councillor West asked Robert G. Elrod, General Counsel, to rule as to whether Council needs to reject the Regulation or just concur in sending it back so as not to make the Board start the process all over again.

Mr. Elrod replied that he reviewed the Board's actions and believes that there is no action required by the Council to affirm the Board's reconsideration. All the Council has is a veto power of the Board's regulations. He said that there is nothing that impedes the Board from taking the action it took to reconsider its vote adopting the Regulation. He said that he believes that legally at this point the Regulation has not been adopted. The Board has reconsidered its vote adopting it and has not acted subsequent to that reconsideration vote, so there is no regulation presently adopted and pending before this Council. If this Council wishes to move to acknowledge that the matter has been withdrawn it would be appropriate. He said that he does not think there is any necessity to reject it at this point, because it is not adopted by the Board.

Councillor McClamroch stated that for the record he believes the discussion is about Proposal No. 236, 1993.

[Clerk's Note: Proposal No. 236, 1993, sponsored by Councillor Curry, rejects amendments to Regulation XIII Asbestos Abatement, adopted April 8, 1993. The President assigned it to the Public Works Committee.]

Councillor McClamroch asked what is the harm of this Council rejecting the Regulation.

Mr. Elrod responded that it is his understanding that if the Council rejects it at this point, the Board has to start back at the initial hearing process again and go through all of the preliminaries that procedure sets out for adopting a new regulation. If the Board reconsiders it, the Board does not have to start again with all the preliminary hearings.

Councillor McClamroch said that he is concerned from a legal standpoint that the Council allow any regulations to become law by not taking action. He urged the Council to vote yes on Proposal No. 236, 1993 because it calls for rejecting the amendments.

Councillor Curry said that he agrees with Councillor McClamroch. The Council should reject the Regulation and be on record to avoid any misunderstanding in the future.

Councillor Coughenour asked Mike Wallman, departmental attorney, Office of Corporation Counsel, if it is his legal opinion that if the Council rejects the Regulation the Board would have to start all over with hearings.

Mr. Wallman replied that this procedure is sufficiently new in the sense that there is no past history for a regulatory body to promulgate a regulation, have it pending for sixty days and then withdraw it. He believes the clearest mechanism to give the Board the fullest opportunity to reconsider the Regulation would be for the Council to reject it. The Board would then begin again, but it is his opinion that it would simply be a matter of republication and then moving ahead.

Councillor West asked David Rees, member of the Air Pollution Control Board, to speak on behalf of the Board as to why the Council should allow the Board's motion to reconsider.

Mr. Rees stated that the Board did not ask the Council to reject the Regulation. It certainly is within the Council's power to do that, but that was not the request. The Board voted to call it back for further consideration. It is his opinion there has been much misinformation reported about this Regulation. The Board was informed that there would be a hearing before the Public Works Committee on May 26, 1993. Members of the Board and other persons with technical insight would have been prepared to address such misinformation at the Committee meeting. When the Board voted to call it back for reconsideration there was no opportunity for the Committee to air these matters. Mr. Rees said the Board would like an opportunity for a hearing before the Public Works Committee and urged the Council not to reject the Regulation at this Council meeting.

Councillor McClamroch said that he is concerned that if the Council does not act at this Council meeting, the Board's initial regulations will become law.

Mr. Rees said that it his understanding that this Council has one other session within the time period during which it could reject.

Councillor Coughenour stated that it was her impression from previous discussion that the safe way to go about this was to reject. It was never mentioned to her that the Board would have to start the process all over again. She said that the Public Works Committee has a meeting scheduled for May 26, 1993 and Proposal No. 236, 1993 could be heard at that meeting.

The President said that these matters have previously come to the Council before from the same Board. He has been assured by City Legal and by Mr. Elrod that the Council can either accept or reject the matters. He believes that the Council should have a formal written legal opinion by City Legal in writing either sustaining that point of view or further elucidating that point of view and that he suggested that it be discussed at the May 26th Public Works Committee hearing. The President recommended that Proposal No. 236, 1993 be referred again to the Public Works Committee and that the hearing be held in time for the Council to consider this within the statutory limit which is 14 days from this date.

Councillor Schneider urged the Council members to reject this regulation at this Council meeting.

Proposal No. 236, 1993 was returned to Committee by the following roll call vote; viz:

15 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Franklin, Golc, Gray, Hinkle, Jones, Moriarty, O'Dell, SerVaas, West, Williams

12 NAYS: Black, Curry, Dowden, Giffin, Jimison, McClamroch, Mullin, Ruhmkorff, Schneider, Shambaugh, Short, Smith

2 NOT VOTING: Gilmer, Rhodes

PROPOSAL NO. 659, 1992. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 659, 1992 on May 18, 1993. The proposal amends the Revised Code concerning the adjournment motions recognizing deceased persons. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass, as amended. Councillor Curry moved, seconded by Councillor Boyd, for adoption. Proposal No. 659, 1993 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

1 NAY: *Borst*

1 NOT VOTING: *Moriarty*

Proposal No. 659, 1992, as amended, was retitled GENERAL ORDINANCE NO. 50, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 1993

A GENERAL ORDINANCE to add into the rules of the city-county council adjournment motions which recognize deceased persons.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended by adding a new section, Sec. 151-87, to read as follows:

Sec. 151-87. Adjournment motions recognizing deceased persons.

At the conclusion of each Council meeting immediately prior to traditional adjournment, the Clerk or a member of the Council as designated by the President shall have the opportunity to adjourn the meeting in recognition of and respect for the life and contributions of specifically named deceased persons. The name(s) of such deceased persons shall be submitted to the Clerk by the sponsoring Councillor by 5:00 P.M. at least two work days before the regularly scheduled meeting of the Council at which the motion is to be offered. The motion shall be in writing on a form devised and approved by the Clerk and shall contain all information necessary to facilitate the full intent and process of this ordinance. The following protocol for offering motions is to be used.

The President The docketed agenda for this meeting of Council having been completed, the Chair will now entertain motions for adjournment.

President's Designee Mr. President.

The President The Chair recognizes (The Clerk) Councillor _____.

The Councillor Mr. President, I have been asked to offer the following motion(s) for adjournment.

by Councillor _____ in memory of _____.

by Councillor _____ in memory of _____.

(This format will be followed through the completion of all names.)

Mr President, I would like to move the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of those persons I have here specifically named. I respectfully ask the support of fellow Councillors. I further request that the motion(s) be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family of each person advising of this action.

The President Thank you, Councillor _____. Hearing no objections, the motion(s) is/are received and the requests are so ordered.

Hearing no further motions for adjournment, we are adjourned. (gavel)

Sec. 151-88.

The letter to be sent to the involved families will take the following form.

Dear _____

I am very pleased to advise you that upon motion made by Councillor _____, the _____ session of the Indianapolis City-County Council was adjourned "in recognition of and respect for the life and contributions of _____."

Councillor _____'s motion was supported by the full Council and is now a part of our permanent records.

America has been made great by those persons who have made the landmark contributions as well as those whose very presence in the community is a stabilizing influence which lends a sense of purpose and direction. We join you at this time in remembering _____.

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

The President asked Beverly Rippy, Clerk of the Council, and Max Moser, Research Director, to assist the Councillors with the forms and letters in this new adjournment format.

PROPOSAL NOS. 113 and 114, 1993. The President ruled that these two proposals would be voted on together. PROPOSAL NO. 113, 1993. The proposal reestablishes the Indianapolis Cumulative Capital Development Fund for the years 1994, 1995 and 1996. PROPOSAL NO. 114, 1993. The proposal reestablishes the Marion County Cumulative Capital Development Fund for the years 1994, 1995 and 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal Nos. 113 and 114, 1993 on May 18, 1993. By a 7-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Curry moved, seconded by Councillor West, for adoption. Proposal Nos. 113 and 114, 1993 were adopted on the following roll call vote; viz:

29 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:

Proposal No. 113, 1993 was retitled SPECIAL ORDINANCE NO. 5, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 1993

A SPECIAL ORDINANCE re-establishing the Indianapolis Cumulative Capital Development Fund.

WHEREAS, IC 36-9-15.5 allows counties to establish a municipal cumulative capital development fund; and

WHEREAS, Special Ordinance No. 35, 1984 established the Indianapolis Cumulative Capital Development Fund; and

WHEREAS, Special Ordinance No. 55, 1985 amended the Indianapolis Cumulative Capital Development Fund to permit its use for additional capital purposes; and

WHEREAS, Special Ordinance No. 7, 1990 reestablished the Indianapolis Capital Development Fund; and

WHEREAS, IC 36-9-15.5-5 and IC 36-9-15.5-6 provide that the maximum period for which a cumulative capital development fund may be established is three (3) years; and

WHEREAS, 1993 is the last year of the current fund; and

May 24, 1993

WHEREAS, the City of Indianapolis desires to reestablish the Indianapolis Cumulative Capital Development Fund, as necessary and prudent for the fiscal well-being of the City of Indianapolis; now, therefore:

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

SECTION 1. There is hereby established an Indianapolis Cumulative Capital Development Fund.

SECTION 2. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Indianapolis Cumulative Capital Development Fund.

SECTION 3. The maximum rate of levy under Section 2 will not exceed the following amounts:

- a. .15 per \$100.00 assessed valuation for 1994
- b. .15 per \$100.00 assessed valuation for 1995
- c. .15 per \$100.00 assessed valuation for 1996

SECTION 4. The funds accumulative in the Indianapolis Cumulative Capital Development Fund will be used for the following purposes:

a. To provide for the cost of construction, maintenance, and repair of bridges, approaches and grade separations, as described in IC 8-16-3;

b. To provide for the acquisition of real property and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings, structures, runways, or other facilities for use in connection with an airport operated by the Indianapolis Airport Authority as described in IC 8-22-3-25;

c. To provide for the adequate maintenance of channel improvements, levees, and water retarding or impoundment structures, or for the emergency of unusually expensive maintenance for such works of improvement, as described in IC 13-3-3-89;

d. To provide for city hospitals, for the purchase of real estate and grounds for hospital purposes, to remodel or make major repairs on any hospital building or buildings, to erect and construct hospital buildings or additions or extensions to them, or for any other major capital improvements, as described in IC 16-12.2-5-32;

e. To provide for the purchase, construction, renovation, or addition to buildings used by the fire department, for the purchase of firefighting equipment, including payments required under lease rental with option to purchase agreements, and to purchase police radio equipment, and to purchase, construct, renovate or add to a building or to purchase equipment for use of a provider of medical services under IC 16-1-39-15, as described in IC 36-8-14-2;

f. To provide for the acquisition of buses, and for the planning, establishment, and maintenance of routes and schedules to assist in the implementation of urban mass transportation systems as described in IC 36-9-4;

g. To provide funds to purchase, construct, equip, and maintain buildings for municipal purpose, to acquire the land, and any improvements on it, that are necessary for construction of municipal buildings, to demolish any improvements on land acquired by such means, and to level grade, and prepare the land for the construction of a municipal building, to acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a municipal building, to improve or construct any public way or other means of ingress or egress to land acquired for the construction of a municipal building, as described in IC 36-9-16-2;

h. To provide funds to acquire land or rights-of-way to be used for public ways or sidewalks, to construct and maintain public ways or sidewalks, to acquire land or rights-of-way for the construction of sanitary or storm sewers, or both, to construct and maintain sanitary or storm sewers, or both, to acquire, by purchase or lease, or to pay all or part of the purchase price of a utility, to purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the municipality, to purchase or acquire land, with or without buildings, for park or recreation purposes, to purchase lease, or pay all or part of the purchase of motor vehicles for the use of the police and fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses, to retire in whole or in part any general obligation bonds that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the

use of these funds, to purchase or lease equipment and other nonconsumable personal property needed for any public transportation use, or to purchase or lease equipment to be used to illuminate a public way or sidewalk, as described in IC 36-9-16-3;

i. To provide for the acquisition of rights-of-way for public ways or sidewalks, or the construction or reconstruction of public ways or sidewalks, as described in IC 36-9-16.5-2;

j. To provide funds to be used to construct, repair or improve streets, alleys, sidewalks, curbs, gutters, and sewers, as described in IC 36-9-17-3;

k. To provide for the planning, erection, remodeling, extension, and repair of sewer disposal plants and sewers to convey sanitary sewage to those plants, for the construction, remodeling, repair and extension of storm sewers, for relief sewers and drains in aid of the sanitary system or storm sewers, for the payment of the municipality's part of the costs of any public sewer or drainage project that (a) lies wholly or partly within the municipality; and (b) aids or is connected to the sewage collection or drainage system of the municipality, and for the payment of the part of any project that is allocable to property owners by special assessment under IC 36-9-21, for repayment to the cumulative building and sinking fund as described in IC 36-9-26;

l. To provide for the construction, reconstruction or maintenance of drains as provided for in IC 36-9-27;

m. With respect to municipal parks as described in IC 36-10-4, to pay for the acquisition of any land used for those purposes, or for any improvement authorized by IC 36-10-4.

SECTION 5. Notwithstanding Section 4, funds accumulated in the Indianapolis Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 4, if the purpose is to protect the public health, welfare, or safety in an emergency situation which demand immediate action. Money may be spent under the authority of this section only after the Mayor of Indianapolis issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

SECTION 6. This fund takes effect upon approval of the State Board of Tax Commissioners.

SECTION 7. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the counsel in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 114, 1993 was retitled SPECIAL ORDINANCE NO. 6, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1993

A SPECIAL ORDINANCE re-establishing the Marion County Cumulative Capital Development Fund.

WHEREAS, IC 36-9-14.5 allows counties to establish a county cumulative capital development fund; and

WHEREAS, Special Ordinance No. 36, 1984 established the Marion County Cumulative Capital Development Fund; and

WHEREAS, Special Ordinance No. 56, 1985 and Special Ordinance No. 15, 1988 amended the Marion County Cumulative Capital Development Fund to permit its use for additional capital purposes; and

WHEREAS, Special Ordinance No. 8, 1990 reestablished the Marion County Capital Development Fund; and

WHEREAS, IC 36-9-14.5-5 and IC 36-9-14.5-6 provide that the maximum period for which a cumulative capital development fund may be established is three (3) years; and

WHEREAS, 1993 is the last year of the current fund; and

May 24, 1993

WHEREAS, Marion County desires to reestablish the Marion County Cumulative Capital Development Fund, as necessary and prudent for the fiscal well-being of Marion County; now, therefore:

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

SECTION 1. There is hereby established a Marion County Cumulative Capital Development Fund.

SECTION 2. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Marion County Cumulative Capital Development Fund.

SECTION 3. The maximum rate of levy under Section 2 will not exceed the following amounts:

- a. .10 per \$100.00 assessed valuation for 1994
- b. .10 per \$100.00 assessed valuation for 1995
- c. .10 per \$100.00 assessed valuation for 1996

SECTION 4. The funds accumulative in the Marion County Cumulative Capital Development Fund will be used for the following purposes:

- a. To provide for the purchase of voting machines or devices, as described in IC 3-II-6-1;
- b. To provide for the cost of construction, maintenance, and repair of bridges, approaches and grade separations, as described in IC 8-16-3;
- c. To provide for the acquisition of real property and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings, structures, runways, or other facilities for use in connection with an airport operated by the Indianapolis Airport Authority as described in IC 8-22-3-25;
- d. To provide for the adequate maintenance of channel improvements, levees, and water retarding or impoundment structures, or for the emergency of unusually expensive maintenance for such works of improvement, as described in IC 13-3-3-89;
- e. To provide for erection of county hospital buildings or other buildings or for the erection of additions to or remodeling of present buildings used for hospital purposes or for equipping them as needed to carry out the provisions of IC 16-12-21, and to provide for the establishment, enlargement, construction, acquisition, or remodeling of a county hospital building or buildings or the equipping of existing buildings as provided for in IC 16-12.1-4;
- f. To provide for the construction remodeling, and repair of county courthouses as described in IC 36-9-14-2;
- g. To provide for the construction, repair, remodeling, enlarging, and equipping of a county jail, a juvenile detention center to be operated under IC 31-6-9.5, or for the purchase, lease or payment of all or part of the purchase, price of motor vehicles for use of the sheriff's department, as described for in IC 36-9-15-2;
- h. To provide funds to purchase, construct, equip, and maintain buildings for public purpose, to acquire the land, and any improvements on it, that are necessary for construction of public building, to demolish any improvements on land acquired by such means, and to level grade, and prepare the land for the construction of a public building, to acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building, to improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building, as described in IC 36-9-16-2;
- i. To provide funds to acquire land or rights-of-way to be used for public ways or sidewalks, to construct and maintain public ways or sidewalks, to acquire land or rights-of-way for the construction of sanitary or storm sewers, or both, to construct and maintain sanitary or storm sewers, or both, to acquire, by purchase or lease, or to pay all or part of the purchase price of a utility, to purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the municipality, to purchase or acquire land, with or without buildings, for park or recreation purposes, to purchase lease, or pay all or part of the purchase of motor vehicles for the use of the police and fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses, to retire in whole or in part any general obligation bonds that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of these funds, to purchase or lease equipment and other nonconsumable personal property needed for any

public transportation use, or to purchase or lease equipment to be used to illuminate a public way or sidewalk, as described in IC 36-9-16-3;

j. To provide for the construction, reconstruction or maintenance of drains as provided for in IC 36-9-27;

k. With respect to parks as described in IC 36-10-4, to pay for the acquisition of any land to be used for those purposes, or for any improvement authorized by IC 36-10-4.

SECTION 5. Notwithstanding Section 4, funds accumulated in the Marion County Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 4, if the purpose is to protect the public health, welfare, or safety in an emergency situation which demand immediate action. Money may be spent under the authority of this section only after the Mayor of Indianapolis, as chief executive of Marion County, issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

SECTION 6. This fund takes effect upon approval of the State Board of Tax Commissioners.

SECTION 7. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the counsel in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 263, 1993. Councillor Gilmer asked for consent to hear Proposal Nos. 263, 261 and 262, 1993 at this time. Consent was given. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 263, 1993 on May 19, 1993. The proposal amends the Code by authorizing a change in the speed limit for Crawfordsville Road from High School Road to Georgetown Road and for Shadeland Avenue from I-465 to 82nd Street (Districts 4, 8, 11). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Dowden, for adoption. Proposal No. 263, 1993 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Golc

Proposal No. 263, 1993 was retitled GENERAL ORDINANCE NO. 51, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 1993

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

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

45 MPH

Crawfordsville Road,
from Winton Avenue to Georgetown Road

May 24, 1993

Crawfordsville Road,
from High School Road to Winton Avenue

Shadeland Avenue,
from I-465 northbound Ramp (6000 N) to Eighty-second Street

Section 2. The "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

40 MPH

Crawfordsville Road,
from High School Road to Georgetown Road

Shadeland Avenue,
from I-465 northbound Ramp (6000 N) to Eighty-second Street

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

PROPOSAL NO. 261, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 261, 1993 on May 19, 1993. The proposal amends the Code by authorizing a traffic signal at Clarendon Road and 38th Street (District 9). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer said that the Department of Transportation (DOT) is going to report to the Committee on the synchronization of the lights along 38th Street.

Councillor Gray urged the Council to pass this proposal. The purpose of this proposal is to reduce the number of accidents at Clarendon Road and 38th Street, not to synchronize the lights.

Councillor Curry suggested that this proposal either needs to be defeated or tabled to give DOT time for further analysis concerning cost for synchronization and to determine the actual traffic volumes and see whether or not further traffic control is necessary.

Councillors Black and Rhodes voiced their support for this proposal.

The President asked the Council to give this proposal careful consideration because 38th Street is a major east/west six-lane thoroughfare and moving traffic east/west is difficult because the City has very few east/west arteries.

Councillor Hinkle moved, seconded by Councillor Gray, for adoption. Proposal No. 261, 1993 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, Shambaugh, Short, Smith, West, Williams

4 NAYS: Curry, Dowden, Ruhmkorff, SerVaas

Councillor Franklin asked for consent to explain his vote. Consent was given. Councillor Franklin said he voted for this proposal because he supports what Councillor Gray, who represents that area, is trying to do.

Proposal No. 261, 1993 was retitled GENERAL ORDINANCE NO. 52, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17, Pg. 3	Clarendon Rd. & 38th St.	38th St.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17, Pg. 3	Clarendon Rd. & 38th St.	None	Signal

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

PROPOSAL NO. 260, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 260, 1993 on May 19, 1993. The proposal amends the Code by authorizing multi-way stop signs at Illinois Street and 40th Street (District 6). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Black, for adoption. Proposal No. 260, 1993 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

2 NOT VOTING: *Black, Williams*

Proposal No. 260, 1993 was retitled GENERAL ORDINANCE NO. 53, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 1993

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

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

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

May 24, 1993

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 10	Illinois St. & 40th St.	Illinois St.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 10	Illinois St. & 40th St.	None	All Stop

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

PROPOSAL NOS. 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258 and 262, 1993. Councillor Gilmer asked for consent to vote on these thirteen transportation proposals together. Consent was given. PROPOSAL NO. 247, 1993. The proposal amends the Code by authorizing intersection controls for The Willows subdivision (District 1). PROPOSAL NO. 248, 1993. The proposal amends the Code by authorizing intersection controls for the Chatam Pointe subdivision (District 7). PROPOSAL NO. 249, 1993. The proposal amends the Code by authorizing intersection controls for various locations in the City of Lawrence. PROPOSAL NO. 250, 1993. The proposal amends the Code by authorizing intersection controls for the Meridian Park subdivision, section 1 (District 9). PROPOSAL NO. 251, 1993. The proposal amends the Code by authorizing intersection controls for the Grassey Creek subdivision (District 13). PROPOSAL NO. 252, 1993. The proposal amends the Code by authorizing intersection controls for the Cumberland Estates, Sections 1 and 2 (Districts 12, 13). PROPOSAL NO. 253, 1993. The proposal amends the Code by authorizing intersection controls for the Bretton Wood subdivision (District 9). PROPOSAL NO. 254, 1993. The proposal amends the Code by authorizing intersection controls for the Decatur Commons subdivision (District 19). PROPOSAL NO. 255, 1993. The proposal amends the Code by authorizing intersection controls for the North by Northwest Business Park (District 1). PROPOSAL NO. 256, 1993. The proposal amends the Code by authorizing a multi-way stop at Astor Street and Reisner Street (District 17). PROPOSAL NO. 257, 1993. The proposal amends the Code by authorizing multi-way stops at the intersections of Camberwood Drive and Crickwood Drive, Camberwood Drive and Lanston Drive, and Crickwood Drive and Lippincott Way (District 2). PROPOSAL NO. 258, 1993. The proposal amends the Code by authorizing stop signs at the intersections of Muskingum Street and 10th Street, Muskingum Street and St. Clair Street, and Muskingum Street and Walnut Street (District 16, 22). PROPOSAL NO. 262, 1993. The proposal amends the Code by authorizing a change in intersection controls at Dearborn Street and Massachusetts Avenue (District 10). Councillor Gilmer reported that the Transportation Committee heard PROPOSAL NOS. 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258 and 262, 1993 on May 19, 1993. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal Nos. 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258 and 262, 1993 were adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West*
0 NAYS:

2 NOT VOTING: Ruhmkorff, Williams

Proposal No. 247, 1993 was retitled GENERAL ORDINANCE NO. 54, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 54, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16, Pg. 1	Allport Dr & Falcon Grove Dr	Falcon Grove Dr	Stop
16, Pg. 6	Falcon Grove Dr & Hayford Ct	Falcon Grove Dr	Yield
16, Pg. 6	Falcon Grove Dr & Hayford Way	Falcon Grove Dr	Stop
16, Pg. 6	High School Rd & Willow Ln	High School Rd	Stop
16, Pg. 8	Sheehan Pl & Willow Ln	Sheehan Pl	Stop

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

Proposal No. 248, 1993 was retitled GENERAL ORDINANCE NO. 55, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 5	Hedback Pointe Dr & 65th St	65th St	Stop

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

Proposal No. 249, 1993 was retitled GENERAL ORDINANCE NO. 56, 1993 and reads as follows:

May 24, 1993

CITY-COUNTY GENERAL ORDINANCE NO. 56, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
7, Pg. 2	Glen Highlands Dr & Oaklandon Rd	Oaklandon Rd	Stop
14, Pg. 1	Elliston Dr & 63rd St	63rd St	Stop
14, Pg. 2	Royal Oakland Dr & 63rd St	63rd St	Stop
14, Pg. 2	Sunnyside Rd & Tolliston Blvd	Sunnyside Rd	Stop

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

Proposal No. 250, 1993 was retitled GENERAL ORDINANCE NO. 57, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 57, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10, Pg. 6	Sailing Ct Sextant Dr & Yacht Harbor Ci	Sextant Dr	Stop
10, Pg. 6	Sextant Dr & 66th St	66th St	Stop

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

Proposal No. 251, 1993 was retitled GENERAL ORDINANCE NO. 58, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 58, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35, Pg. I	Creston Point Ci & Midnight Pass	Midnight Pass	Yield
35, Pg. I	Midnight Pass & Tanning Dr	Tanning Dr	Stop
35, Pg. I	Midnight Pass & Twilight Ct	Midnight Pass	Yield

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

Proposal No. 252, 1993 was retitled GENERAL ORDINANCE NO. 59, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28, Pg. I	Boone Dr & Chattanooga Ci	Boone Dr	Yield
28, Pg. I	Boone Dr & Nashville Ci	Boone Dr/ Nashville Ci (SB)	Yield
28, Pg. I	Crockett Dr & Jellico Blvd	Crockett Dr	Stop
28, Pg. I	Cumberland Gap Dr & Nashville Ci	Nashville Ci	Stop
28, Pg. I	Cumberland Rd & Jellico Blvd	Cumberland Rd.	Stop

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

Proposal No. 253, 1993 was retitled GENERAL ORDINANCE NO. 60, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 60, 1993

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

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

May 24, 1993

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10, Pg. 1	Bretton Ci & Bretton Wood Dr	Bretton Wood Dr	Yield
10, Pg. 1	Bretton Ct & Bretton Wood Dr	Bretton Wood Dr	Yield
10, Pg. 1	Bretton Wood Dr & Westlane Rd	Westlane Rd	Stop
10, Pg. 1	Bretton Wood Dr & Woodlane Ct	Bretton Wood Dr	Yield

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

Proposal No. 254, 1993 was retitled GENERAL ORDINANCE NO. 61, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37, Pg. 1	Decatur Commons & Foxtail Ct	Decatur Commons	Yield
37, Pg. 1	Decatur Commons & High School Rd	High School Rd	Stop
37, Pg. 1	Decatur Commons & Snowberry Ct	Decatur Commons	Yield

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

Proposal No. 255, 1993 was retitled GENERAL ORDINANCE NO. 62, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2, Pg. 1	Bearing Dr & 86th St	86th St	Stop
2, Pg. 2	Georgetown Rd & 84th St	Georgetown Rd	Stop

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

Proposal No. 256, 1993 was retitled GENERAL ORDINANCE NO. 63, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, Pg. 1	Astor & Reisner (NB)	Astor	Stop
24, Pg. 1	Astor & Reisner (SB)	Astor	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, Pg. 1	Astor & Reisner	None	All Way Stop

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

Proposal No. 257, 1993 was retitled GENERAL ORDINANCE NO. 64, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 1	Camberwood Dr./ Crickwood Dr.	Camberwood Dr.	Stop

May 24, 1993

9, Pg. 1	Camberwood Dr./ Langston Dr.	Camberwood Dr.	Stop
9, Pg. 1	Crickwood Dr./ Lippincott Way	Crickwood Dr.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 1	Camberwood Dr./ Crickwood Dr.	None	All Way Stop
9, Pg. 1	Camberwood Dr./ Langston Dr.	None	All Way Stop
9, Pg. 1	Crickwood Dr./ Lippincott Way	None	All Way Stop

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

Proposal No. 258, 1993 was retitled GENERAL ORDINANCE NO. 65, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 19	Muskingum St./ 10th St.	None	None
25, Pg. 19	Muskingum St./ St. Clair	None	None
25, Pg. 19	Muskingum St./ Walnut St.	None	None

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 19	Muskingum St./ 10th St.	10th St.	Stop
25, Pg. 19	Muskingum St./ St. Clair	St. Clair	Stop
25, Pg. 19	Muskingum St./ Walnut St.	Walnut	Stop

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

Proposal No. 262, 1993 was retitled GENERAL ORDINANCE NO. 66, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 7	Dearborn St, Massachusetts Av	Massachusetts Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 7	Dearborn St, Massachusetts Av	Massachusetts Av (EB)	Stop

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

SPECIAL SERVICE DISTRICT COUNCILS

The President convened the Police Special Service District Council.

A. POLICE SPECIAL SERVICE DISTRICT SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 272, 1993. The proposal appropriates \$970,000 for the Department of Public Safety, Police Division, for construction of an annex to the North District IPD headquarters and for construction of a new South District IPD headquarters. Councillor Dowden asked for consent to postpone Proposal No. 272, 1993 until June 7, 1993. Consent was given.

The President convened the Fire Special Service District Council.

B. FIRE SPECIAL SERVICE DISTRICT SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 273, 1993. The proposal appropriates \$3,287,500 for the Department of Public Safety, Fire Division, to replace: (1) Fire Station Nos. 18 and 28, (2) the heat, ventilation and air conditioning system at IFD headquarters on New Jersey Street, and (3) the ventilation systems at various fire stations. Councillor Dowden asked for consent to postpone Proposal No. 273, 1993 until June 7, 1993. Consent was given.

May 24, 1993

The President reconvened the City-County Council.

Old Business

Councillor Rhodes reported that the Administration and Finance Committee discussed the closing of the Observation Tower on May 17, 1993. He said that the Committee sent a letter to Ron Reinking, Manager, Building Authority, stating that it would like to see the Observatory remain available to the public. Councillor Boyd moved to support the process options recommended by the Chairman of the Administration and Finance Committee in his May 24, 1993 letter concerning the purported efforts to close the City-County Observatory. The President supported this motion.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:18 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 24th day of May, 1993.

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


President

ATTEST:


Clerk of the Council

(SEAL)