

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

**REGULAR MEETINGS
MONDAY, OCTOBER 14, 1991**

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 7:12 p.m. on Monday, October 14, 1991, with Councillor SerVaas presiding.

Councillor Boyd 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:

26 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams
3 ABSENT: Hawkins, Mukes-Gaither, Shaw

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Golc wished Belinda Dorney, who is home ill, a speedy recovery. Councillor Irvin introduced Gene Stofer, Wayne Township Trustee.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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, October 14, 1991, 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

October 1, 1991

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, October 3, 1991, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 489, 490, 501 and 391, 1991, to be held on Monday, October 14, 1991, at 7:00 p.m., in the City-County Building.

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

October 4, 1991

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 61, 1991, adopting the City-County Annual Budget for 1992, appropriating amounts necessary to defray expenses for the operation of every facet of government of the Consolidated City of Indianapolis and of Marion County, for the calendar and fiscal year beginning January 1, 1992, and ending December 31, 1992, establishing the method of financing such expenses by allocating anticipated revenues and expenses, establishing salaries, wages, and compensation rates and limitations with respect to certain employees of the City and County, and levying taxes and fixing the rates of taxation for the purpose of raising revenue to meet the necessary expenses of Indianapolis and Marion County government and its institutions for the calendar year 1992.

FISCAL ORDINANCE NO. 62, 1991, creating the annual budget for the Department of Public Welfare for the fiscal year beginning January 1, 1992 and ending December 31, 1992 appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations for the Department of Public Welfare, fixing and establishing the annual rate of taxation and tax levy for the year 1992 for each fund for which a special tax levy is authorized, and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 63, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Seven Hundred Fifty Thousand Dollars (\$750,000) in the City General Fund for purposes of the Department of Administration Office of the Director and reducing the unappropriated and unencumbered balance in the City General Fund.

FISCAL ORDINANCE NO. 64, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Fifteen Hundred Dollars (\$1,500) in

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the County General Fund for purposes of the Superior Court Criminal Division Room 1 and reducing certain other appropriations for the County Auditor's office.

FISCAL ORDINANCE NO. 65, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Sixty-two Thousand Dollars (\$62,000) in the County Drug Free Community Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County Drug Free Community Fund.

FISCAL ORDINANCE NO. 66, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Forty-five Thousand Five Hundred Dollars (\$45,500) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 107, 1991, amending Article II of Chapter 23, specifically Sections 23-1/2-16 and 23-1/2-18 concerning the Indianapolis Police Reserves.

GENERAL ORDINANCE NO. 108, 1991, amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 2, Article II, Sec. 22 and Chapter 23, Article II, Sec. 26 to add new provisions concerning residency and vacation leave accrual status of persons who become City-County employees as a result of a transfer of their duties from a non-City-County entity.

GENERAL ORDINANCE NO. 109, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-266, Special parking privileges for certain persons or vehicles in certain locations.

GENERAL ORDINANCE NO. 110, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-283, Parking meter zones designated.

GENERAL ORDINANCE NO. 111, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 112, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL RESOLUTION NO. 8, 1991, to increase the salary schedule for Marion County employees.

SPECIAL RESOLUTION NO. 66, 1991, approving the sale of certain real estate of the Department of Parks and Recreation.

SPECIAL RESOLUTION NO. 80, 1991, urging independence for Slovenia and Croatia.

SPECIAL RESOLUTION NO. 81, 1991, authorizing the appropriate officers of Marion County to cause to be prepared and executed and appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for the Department of Public Welfare.

SPECIAL RESOLUTION NO. 82, 1991, amending City-County Special Resolution No. 48, 1989 as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 83, 1991, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 84, 1991, approving the leasing of certain real estate of the Department of Parks and Recreation.

Respectfully,
s/William H. Hudnut, III
William H. Hudnut, III

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT:

Ladies and Gentlemen:

FISCAL ORDINANCE NO. 1, 1991, creating the annual budget for the Solid Waste Collection Special Service District of the City of Indianapolis, Indiana for the fiscal year beginning January 1, 1992 and ending December 31, 1992 appropriating monies for the purpose of defraying the expenses and all outstanding

claims and obligations of said Solid Waste Collection Special Service District, fixing and establishing the annual rate of taxation and tax levy for the year 1992 for each fund for which a special tax levy is authorized and fixing a time when this ordinance shall take effect.

Respectfully,
s/William H. Hudnut, III
William H. Hudnut, III

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE FIRE SPECIAL SERVICE DISTRICT:

Ladies and Gentlemen:

FISCAL ORDINANCE NO. 1, 1991, creating the annual budget of the Fire Special Service District of the City of Indianapolis, Indiana for the fiscal year beginning January 1, 1992 and ending December 31, 1992 appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Fire District and the Fire Pension Fund, fixing and establishing the annual rate of taxation and tax levy for the year 1992 for each fund for which a special tax levy is authorized and fixing a time when this ordinance shall take effect.

Respectfully,
s/William H. Hudnut, III
William H. Hudnut, III

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE POLICE SPECIAL SERVICE DISTRICT:

Ladies and Gentlemen:

FISCAL ORDINANCE NO. 3, 1991, creating the annual budget of the Police Special Service District of the City of Indianapolis, Indiana for the fiscal year beginning January 1, 1992 and ending December 31, 1992 appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Police District and the Police Pension Fund, fixing and establishing the annual rate of taxation and tax levy for the year 1992 for each fund for which a special tax levy is authorized and fixing a time when this ordinance shall take effect.

Respectfully,
s/William H. Hudnut, III
William H. Hudnut, III

ADOPTION OF THE AGENDA

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

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 530, 1991. This proposal, sponsored by Councillor Irvin, recognizes the September 14, 1991 White River Cleanup. Councillor Irvin read the resolution and presented framed documents to several groups who had helped with the cleanup. Allen Uwing, Community Action Youth Program, Charles Henderson, Social Action Community, 2000, and Melinda Newhouse, Warren Central High School Key Club, expressed appreciation for the recognition. Councillor Irvin moved, seconded by Councillor West, for adoption. Proposal No. 530, 1991 was adopted by unanimous voice vote.

Councillor Howard applauded Councillor Irvin in his efforts to cleanup the White River and also the young people who have worked on this project.

Proposal No. 530, 1991 was retitled SPECIAL RESOLUTION NO. 85, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 85, 1991

A SPECIAL RESOLUTION recognizing the September 14, 1991, White River Cleanup.

WHEREAS, on Saturday morning, September 14, 1991, over 300 people helped the environment by cleaning up 45 tons of litter, tires, a stove, car seats, damaged foliage and other debris at ten sites along the banks of White River in Indianapolis; and

WHEREAS, several financial sponsors helped greatly by providing the cleanup volunteers with protective gear, supplies and food; and

WHEREAS, during the past two years, volunteer efforts by local government, schools, private businesses, individual citizens, scouts and clubs have removed 474 tons--or nearly 50 trash truck loads--of litter from the banks of 25 miles of the White River in Indianapolis; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks the following organizations for their help in the September 14, 1991, White River cleanup: Camp Fire Girls, Girl Scouts #1370, Concord Center, South Wayne Junior High School, Community Action Youth, National Starch & Chemical Co., Direct Social Action Committee, Louis Mahern Campaign, Indianapolis Schools #21, Brownies Troop 1260, Greenwood Kiwanis Sunrise Club, Indianapolis Power & Light Co., Friends of Holliday Park, Warren Central High School Key Club, Center Township Trustee's Office, Community Corrections Agency; and

SECTION 2. The Council commends the following for their financial assistance: Bunzel, Inc., Bright Ideas in Broad Ripple, Curtis Publishing, Eli Lilly & Co., G.T.E. North, Glad Bag Corporation, Heritage Environmental Services, Inc., Indianapolis Power & Light Co., Indianapolis Water Co., Kroger Company, National Starch & Chemical Co., Nora-Northside Community Council, Inc., Polar Ice, Inc., Reilly Industries, Inc., Wishard Hospital.

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. 531, 1991. This proposal, sponsored by Councillors Howard and Rhodes, concerns the 1991 PGA championship tournament. Councillor Howard asked for consent to postpone the proposal. Consent was given.

PROPOSAL NO. 532, 1991. This proposal, sponsored by Councillor McGrath, supports personal safety of children in schools. Councillor McGrath asked for consent to withdraw the proposal. Consent was given.

PROPOSAL NO. 533, 1991. This proposal, sponsored by Councillor Mukes-Gaither, makes welcome the 1991 Association of Minorities in Internal Revenue Service (AIM-IRS) Conference. Since Councillor Mukes-Gaither was absent, Councillor Jones read the resolution and stated that a framed document will be presented at a later date to the AIM-IRA at the Circle City Fall Conference. Councillor Jones moved, seconded by Councillor Howard, for adoption. Proposal No. 533, 1991 was adopted by unanimous voice vote.

Proposal No. 533, 1991 was retitled SPECIAL RESOLUTION NO. 88, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 88, 1991

A SPECIAL RESOLUTION making welcome the 1991 AIM-IRS Conference.

WHEREAS, the Association for the Improvement of Minorities in Internal Revenue Service (AIM-IRS) was founded in 1969 to educate and uplift its members to their fullest career and personal potential; and

WHEREAS, the association educates and counsels members in personal and career advancement opportunities, provides a self-help network for its members, promotes community service endeavors, and cooperates with all governmental agencies to remove discriminatory policies and practices; and

WHEREAS, since its first seminar in Atlantic City, New Jersey, AIM-IRS has grown to over 4,500 members across the United States of America; and

WHEREAS, AIM-IRS's Indiana Chapter was founded in 1982 to further pursue the goals of the national organization; now, therefore:

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

SECTION 1. The Indianapolis City-County Council makes welcome the Association for the Improvement of Minorities in Internal Revenue Service as it convenes at University Place in Indianapolis on October 18-20, 1991, to hold its first Circle City Fall Conference.

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

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

PROPOSAL NO. 486, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 486, 1991 on October 9, 1991. The proposal appoints Rondle W. Brewer to the Marion County Community Corrections Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 486, 1991 was adopted by unanimous voice vote.

Proposal No. 486, 1991 was retitled COUNCIL RESOLUTION NO. 59, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 1991

A COUNCIL RESOLUTION appointing Rondle W. Brewer to the Marion County Community Corrections 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 Marion County Community Corrections Board, the Council appoints:

Rondle W. Brewer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. 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. 506, 1991. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$40,000 for Voters Registration to purchase computer equipment and prepay on the computer system contract with the remaining balance"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 507, 1991. Introduced by Councillor Holmes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$35,000 for the Department of Parks and Recreation, Golf Division, to pay for higher than anticipated utility and telephone costs"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 508, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE appropriating \$45,000 for the Department of Public Safety, Police Division, to purchase weight exercise equipment for each Quadrant Headquarters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 509, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$150,000 from the Prosecutor's Diversion Fund to cover Personal Services and Other Services and Charges in excess of General Fund appropriations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 510, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$45,000 for the Prosecuting Attorney to utilize federal grant money for seat belt enforcement"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 511, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$34,200 for the Prosecuting Attorney to cover a shortfall in Personal Services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 512, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,950 for the Superior Court, Civil Division, Room One, to pay furniture and supply charges"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 513, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$50,900 for the Marion County Superior Courts to establish and operate the Public Defender Services Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 514, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$116,890 for the Marion County Superior Courts to establish and operate the Public Defender Services Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 515, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$21,619 for the County Auditor, out of the budget of the Superior Court, Juvenile Division/Detention Center, to pay personnel benefits for the Youth Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 516, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$400,000 for the

Department of Public Works, Office of the Director, to pay the costs of replacing an existing combined sewer in the Quad Four Redevelopment area, a new storm sewer along East Street, and the extension of sewers in the Canal Redevelopment area"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 517, 1991. Introduced by Councillor Solenberg. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls within the Harbor Pines subdivision (District 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 518, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the North Meadow subdivision (District 1)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 519, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the Wilshire Glen subdivision (District 1)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 520, 1991. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Alfred Circle and Prospect Street in the Muessing Farms subdivision (District 13)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 521, 1991. Introduced by Councillor Solenberg. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the Eastbrooke Meadows subdivision, sections 3B, 4A and 4B (District 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 522, 1991. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at various locations (District 12)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 523, 1991. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at the intersection of Mitchner Avenue and Prospect Street (District 13)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 524, 1991. Introduced by Councillors Dowden and Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the access road at 9150 North Hague Road (District 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 525, 1991. Introduced by Councillor Irvin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the preferential street at the intersection of New Jersey Street and Pearl Street (District 21)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 526, 1991. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE correcting the Code to reflect Buck Creek Parkway as the preferential street at the intersection of Buck Creek Parkway and Southwood Drive (District 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 527, 1991. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Lesley Avenue from 640 feet south of 16th Street to 1,276 feet south of 16th Street (District 15)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 528, 1991. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on a segment of 11th Street from Arsenal Avenue to Brookside Avenue (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 529, 1991. Introduced by Councillor Brooks. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Vermont Street between College Avenue and Davidson Street (District 22)"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 534, 1991. Councillor Schneider asked Councillor Gilmer to give the Committee report since he was unable to attend the Committee meeting. Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 534, 1991 on October 9, 1991. The proposal is a final bond ordinance authorizing the issuance of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1991 (Zimmer Paper Products, Incorporated Project) in the maximum aggregate principal amount of \$3,500,000. Zimmer Paper Products will equip and expand their present facility located at 1450 East 20th Street, Indianapolis. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer said that there was a technical amendment to be made; therefore, he moved, seconded by Councillor Schneider, to amend Proposal No. 534, 1991, Section 5, by changing the price from "not less than 99.0%" to "not less than 98.5%". This motion passed by unanimous voice vote.

Councillor Gilmer moved, seconded by Councillor Schneider, for adoption. Proposal No. 534, 1991, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West

0 NAYS:

3 NOT VOTING: McGrath, Solenberg, Williams

3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Proposal No. 534, 1991, as amended, was retitled SPECIAL ORDINANCE NO. 13, 1991 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 13, 1991

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Economic Development First Mortgage Revenue Bonds, Series 1991 (Zimmer Paper Products Incorporated Project), in the aggregate principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

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 Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") intends to issue its Economic Development First Mortgage Revenue Bonds, Series 1991 (Zimmer Paper Products Incorporated Project) in the aggregate principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) (the "Series 1991 Bonds") pursuant to a Trust Indenture (the "Indenture") dated as of October 1, 1991 between the Issuer and Peoples Bank & Trust Company acting as Trustee (the "Trustee") in order to obtain funds to lend to Zimmer Paper Products Incorporated (the "Company") pursuant to a Loan Agreement, Mortgage, Security Agreement and Financing Statement (the "Loan Agreement") dated as of October 1, 1991 between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the acquisition, construction, installation and equipping of an approximately 16,000 square foot addition to the Company's existing facility containing approximately 110,000 square feet located at 1450 East 20th Street, Indianapolis, Marion County, Indiana which will be used for the manufacturing of a) printed flexible packaging materials for use primarily in food and confectionery industries and b) release coated materials for use primarily in the subsequent manufacturing of pressure sensitive product constructions (self-adhesive labeling materials); the acquisition of machinery, equipment and furnishings for use in the facility; and to pay a portion of the costs of issuance of the Series 1991 Bonds (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Series 1991 Bonds and further provides for the Company's repayment obligation to be evidenced by the Company's promissory note (the "First Mortgage Note, Series 1991") pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Series 1991 Bonds as the same become due and payable and to pay administrative expenses in connection with the Series 1991 Bonds; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the First Mortgage Note, Series 1991, without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1991 Bonds; and

WHEREAS, INB National Bank (the "Bank"), will issue a Letter of Credit (as defined in the Indenture) in favor of the Trustee, for the account of the Company, obligating the Bank to pay to the Trustee during the periods described therein, upon request and in accordance with the terms thereof, the amounts described therein for the purpose of making certain payments on or with respect to the Series 1991 Bonds; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), on October 9, 1991 has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Preliminary Official Statement (the "Preliminary Official Statement"); 4) the form of the Series 1991 Bonds; 5) the First Mortgage Note, Series 1991; and 6) the Bond Purchase Agreement dated as October 1, 1991 among the Company, Issuer, and City Securities Corporation (the "Underwriter") (the "Bond Purchase Agreement") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted on the aforementioned 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 consisting of the Project, the issuance and sale of the Series 1991 Bonds, 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 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. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters.

SECTION 4. The Issuer shall issue its Series 1991 Bonds in the aggregate principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) 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 Series 1991 Bonds will be payable as to principal and interest solely from the payments made by the Company on its Series 1991 Note in the principal amount equal to the principal amount of the Series 1991 Bonds 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 Series 1991 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Series 1991 Bonds to the Underwriter at a price not less than 98.5% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed ten percent (10%). In addition to the use of the Preliminary Official Statement by the Underwriter, the use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein, but containing the information permitted to be omitted from the nearly final Official Statement by the SEC Rule, is approved for use and distribution in connection with the marketing of the Series 1991 Bonds.

SECTION 6. 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 Series 1991 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1991 Bonds to the Underwriter, payment for which will be made in the manner set forth in the Financing Documents. The Series 1991 Bonds shall, as set forth in the Indenture, be dated October 1, 1991. 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 IC 36-7-12-27(a)(1) through (a)(10).

SECTION 7. The Issuer hereby elects to have the provisions of Section 144(a)(4) of the Code, relating to the \$10,000,000 limitation on industrial development bonds, apply to the Series 1991 Bonds and the Mayor and City Clerk are hereby authorized to execute any documents necessary to evidence such election.

SECTION 8. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Series 1991 Bonds and after the issuance of said Series 1991 Bonds, 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 Series 1991 Bonds or the interest thereon remains unpaid.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 535, 1991. Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 535, 1991 on October 9, 1991. The proposal amends Special Resolution No. 43, 1991 by extending the expiration date on the inducement resolution for Meadows-Fall Creek Farms Company, Inc. to April 30, 1992. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Schneider, for adoption. Proposal No. 535, 1991 was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West*

0 NAYS:

4 NOT VOTING: *Brooks, Clark, Solenberg, Williams*

3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 535, 1991 was retitled SPECIAL RESOLUTION NO. 86, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 86, 1991

A SPECIAL RESOLUTION amending City-County Special Resolution No. 43, 1989, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-6-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 43, 1989 (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Meadows-Fall Creek Farms Company, Inc. (the "Company") which Inducement Resolution set an expiration date of October 31, 1991 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, but the Company has shown good cause to extend the aforesaid expiration date; now, therefore:

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of October 31, 1991, contained therein and replacing said date with the date of April 30, 1992.

SECTION 2. The City-County Council further finds, determined, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

PROPOSAL NOS. 536-539, 1991. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on October 11, 1991". The Council did not schedule Proposal Nos. 536-539, 1991 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 536-539, 1991 were retitled REZONING ORDINANCE NOS. 134-137, 1991 and are identified as follows:

REZONING ORDINANCE NO. 134, 1991. 91-Z-106 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
9245 LAFAYETTE ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.
YOVAN VUYNOVICH and NADA VUYNOVICH request the rezoning of 8.89 acres, being in the D-A district, to the D-S classification to provide for the development of single-family residences.

REZONING ORDINANCE NO. 135, 1991. 91-Z-117 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18

October 14, 1991

4 AND 30 GASOLINE ALLEY, INDIANAPOLIS.

LANCE A. and BRENDA S. GIBBS, by Gordon L. Harper, request the rezoning of 2.3 acres, being in the C-3 district, to the I-1-S classification to provide for the manufacture of decals for automobiles.

REZONING ORDINANCE NO. 136, 1991. 91-Z-124 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3

6497 GUION ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.

MELVIN L. CUNNINGHAM, INC. requests the rezoning of 9.821 acres, being in the D-A district, to the I-2-S classification to provide for I-2-S industrial uses.

REZONING ORDINANCE NO. 137, 1991. 91-Z-138 (91-DP-16) WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 7

2002 EAST 56TH STREET, INDIANAPOLIS.

GEORGE F. KIRKOFF, by James W. Commons, requests the rezoning of 3.4 acres, being in the D-6II district, to the D-P classification to provide for residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 501, 1991. The proposal is a rezoning ordinance for certain property in Wayne Township, Councilmanic District 17, located at 2670 Cold Spring Road. Proposal No. 501, 1991 was certified by the Metropolitan Development Commission on September 27, 1991. On September 30, 1991, the Council voted to schedule a public hearing for October 14, 1991. The President asked Robert Elrod, General Counsel, for a report.

Mr. Elrod stated that James Burroughs, attorney for the petitioner, and Dwayne O'Neal, attorney for the remonstrators, have reached a compromise by agreeing to additional covenants and commitments to control use of the property. There is no need for a public hearing at this time.

Councillor Golc moved, seconded by Councillor West, to adopt Proposal No. 501, 1991 with the additional covenants and agreements that the parties have agreed to. Proposal No. 501, 1991 was adopted by the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams

0 NAYS:

1 NOT VOTING: Solenberg

3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Proposal No. 501, 1991 was retitled REZONING ORDINANCE NO. 138, 1991 and is identified as follows:

REZONING ORDINANCE NO. 138, 1991. 91-Z-111 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 17

2670 COLD SPRING ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.

ALPHA HOME ASSOCIATION OF GREATER INDIANAPOLIS (INDIANA), INC., requests the rezoning of 6.1719 acres, being in the HD-1 district, to the HD-2 classification to provide for a nursing home.

Councillor Coughenour asked for consent to hear Proposal No. 415, 1991 at this time. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 415, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 415, 1991 on September 6 and October 10, 1991. The

proposal amends the Code concerning air pollution and open burning. Councillor Coughenour said that leaf-burning impacts more than 87,000 people in Marion County who have respiratory problems. Burning leaves emit the carcinogen benz pyrene, the same chemical that is harmful in second-hand cigarette smoke. The Department of Public Works (DPW) has developed the following pilot program: a homeowner with 20 trees or more can call DPW to make an appointment to have their leaves vacuumed from their property line; the leaves will then be taken to landfills and turned to compost. Indianapolis is the only city of its size that has open burning. She believes that the majority of the citizens support the ban on open burning and urged the Council to pass the ordinance. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour so moved.

Councillor Rhodes said that he had an amendment that would allow people in single and double family dwellings to burn limbs, twigs and branches, not the leaves, in an approved container; therefore, he moved to amend Proposal No. 415, 1991, as amended, by inserting a new paragraph (f) in Section 4-73, to read as follows:

(f) Limbs, twigs and branches. Residents of single or double family dwellings located on one or more residential lots shall be allowed to burn only dried limbs, twigs and branches (but not leaves) originating on the premises, but only between the hours of 10:00 a.m. and 3:00 p.m. on days when the wind speed is greater than 5 mph as given by the local office of the National Weather Service. Burning shall be more than fifteen feet from any structure, in a non-combustible container, sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom and a mesh covering with openings no greater than 1/4 inch. If such a fire creates a health hazard it shall be extinguished.

Councillor Giffin seconded Councillor Rhodes' motion. He said he represents a lot of people who have large lots and it is essential to have this amendment in the proposal, but he is also concerned about the haste in passing this ordinance.

Councillor Brooks said that he is supportive of the concept of Councillor Rhodes' amendment, but he has the following two concerns: (1) the originating requirement--residents who have small lots with few trees, but are right next to a wooded area; (2) the wind speed requirement--he does not believe anyone in real life will call the National Weather Service to see if the wind speed is five miles an hour. He said he would also like to have the last sentence deleted because it is his opinion that the average person will not know when a fire creates a health hazard.

Councillor Schneider stated that he is supportive of Councillor Rhodes' amendment but he is concerned that it limits the burning of only "dried" limbs, twigs and branches. Councillor Schneider asked Councillor Rhodes if he would entertain a friendly amendment by removing the word "dried" from his amendment.

Councillors West and Howard said that they support Councillor Rhodes' amendment.

Councillor Borst asked (1) what is the alternative to disposing of limbs, twigs and branches if residents cannot burn them and (2) how will DPW promote this.

Coughenour said that DPW is sending out a brochure that has all the collection rules and composting instructions on it. Under the present ordinance residents can cut the limbs, twigs and branches and tie them into bundles which are picked up by DPW.

Councillor Rhodes said he and Councillor Giffin have agreed to change the language slightly in his amendment by deleting the stricken-through language and inserting the underlined language as follows:

(f) Limbs, twigs and branches. Residents of single or double family dwellings located on one or more residential lots shall be allowed to burn only dried limbs, twigs and branches (but not leaves) originating on the their or contiguous premises, but only between the hours of 10:00 a.m. and 3:00 p.m. ~~on days when the wind speed is greater than 5 mph as given by the local office of the National Weather Service.~~ Burning shall be more than fifteen feet from any structure, in a non-combustible container, sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom and a mesh covering with openings no greater than 1/4 inch. If such a fire creates a health hazard it shall be extinguished.

This motion passed by a majority voice vote.

Councillor Gilmer moved to table Proposal No. 415, 1991, as amended, to an uncertain time so that DPW can hold a public demonstration on their leaf-vacuum trucks. Councillor Schneider seconded the motion.

Councillor Curry said that he supports postponing this proposal in order to see if the pilot program will work.

Councillor Solenberg asked if this proposal affects the City of Lawrence. Robert Elrod, General Counsel, responded that it is a county-wide ordinance.

Councillor Brooks said he supports Councillor Gilmer's motion because a delay would give DPW an opportunity to see if their pilot program works and how much it will cost.

Councillor Dowden moved the previous question on Councillor Gilmer's motion to table.

Councillor Williams stated that she will not vote for postponement of this proposal because she believes that most people sense that Indianapolis must get into step with the rest of the cities of comparable size in terms of respecting the environment.

The President asked Councillor Gilmer to restate his motion.

Councillor Gilmer moved to table Proposal No. 415, 1991, as amended, until November 11, 1991 so Public Works can hold a public demonstration of their leaf-vacuum trucks. Councillor Schneider seconded the motion.

The President called for a vote on Councillor Gilmer's motion.

Councillor Borst asked for a point of order. He said that the vote should be on Councillor Dowden's motion to close debate.

The President called for a vote to close debate. This motion passed by a majority voice vote.

Councillor Gilmer's motion to postpone Proposal No. 415, 1991, as amended, until November 11, 1991 failed by the following roll call vote; viz:

11 YEAS: Clark, Curry, Dowden, Giffin, Gilmer, McGrath, O'Dell, Ruhmkorff, Schneider, SerVaas, Strader

14 NAYS: Borst, Boyd, Brooks, Cottingham, Coughenour, Golc, Howard, Irvin, Jones, Moriarty, Rhodes, Solenberg, West, Williams
1 NOT VOTING: Holmes
3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Councillor Brooks said that Indianapolis is different from a lot of other cities because of UniGov. There are residents who have farm land and large pieces of property, and there is no provision in the ordinance for these people to dispose of their leaves. He believes this proposal should be postponed until it is determined (1) if DPW's pilot program will work, (2) what is the cost of the program, (3) if there are any sensible exemptions that could be incorporated into this ordinance, and (4) why an ordinance should be passed that affects 30,000 people in the City of Lawrence without providing them any access to the pilot program. Councillor Brooks moved to postpone Proposal No. 415, 1991, as amended, to a time uncertain. This motion was seconded by Councillor Solenberg.

Councillor Clark voiced his support of Councillor Brooks' motion because, in his opinion, there is too much confusion surrounding the ordinance.

Councillor Solenberg said that he seconded Councillor Brooks' motion to postpone in order to revise the ordinance so that it is fair and equitable for everyone.

Councillor Brooks' motion to table Proposal No. 415, 1991, as amended, to a time uncertain failed on the following roll call vote; viz:

12 YEAS: Brooks, Clark, Curry, Dowden, Giffin, Gilmer, McGrath, O'Dell, Ruhmkorff, Schneider, Solenberg, Strader
14 NAYS: Borst, Boyd, Cottingham, Coughenour, Golc, Holmes, Howard, Irvin, Jones, Moriarty, Rhodes, SerVaas, West, Williams
3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Councillor Holmes voiced his support of Proposal No. 415, 1991, as amended. He said all his calls from his constituents have been supportive of this ordinance.

Proposal No. 415, 1991, as amended, passed by the following roll call vote; viz:

16 YEAS: Boyd, Clark, Cottingham, Coughenour, Giffin, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, SerVaas, West, Williams
9 NAYS: Borst, Brooks, Curry, Gilmer, O'Dell, Ruhmkorff, Schneider, Solenberg, Strader
1 NOT VOTING: Dowden
3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

[Clerk's Note: Councillor Dowden informed the Clerk of the Council that he had pushed the "no" button, but did not realize until later that it had not registered.]

Proposal No. 415, 1991, as amended, was retitled GENERAL ORDINANCE NO. 113, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 113, 1991

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Indiana, Chapter 4, Article VII, Sections 4-70 through 4-79.

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

SECTION 1. Article VII, General Prohibitions, of the Code of Indianapolis and Marion County is hereby amended by inserting the language underscored and deleting the language stricken-through to read as follows:

ARTICLE VII: GENERAL PROHIBITIONS

Section 4-70: Air Pollution

Any person who causes or creates air pollution, as defined in Section 4-11 of this Chapter, shall be in violation of this Chapter and its regulations and is subject to the enforcement procedures in Article VI.

Section 4-71 Open Burning Restricted; general prohibitions

~~(a) It shall be unlawful at all times to cause, suffer or allow any open burning on any real estate except that zoned or used for single or double family dwellings.~~

~~(b)~~

It shall be unlawful at all times to cause, suffer or allow any open burning of any substance other than wood products at any place within Marion County except as permitted by Sections ~~4-72 4-73~~ through 4-76; provided, no person shall cause, suffer, allow or permit the emission into the atmosphere of any substance or combination of substances from the burning of wood products as allowed therein in such quantities as to cause annoyance or constitute a nuisance so as to interfere with the health or well-being of any individual in his/her home or place of employment or recreation or as to interfere with the normal use and enjoyment of any such place.

~~Section 4-72: Residential Burning Limited~~

~~Residents of single or double family dwellings located on one or more residential lots shall be allowed to burn only wood products originating on the premises only as hereinafter provided between the hours of 10:00 a.m. to 7:00 p.m. on days when the wind speed is greater than five miles per hour and less than twenty miles per hour as given by the local office of the National Weather Service. Burning shall be more than fifteen feet from any structure, in a noncombustible container, sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom and a mesh covering. Fires shall be attended at all times until completely extinguished. If fires create a nuisance, or a health hazard, they shall be extinguished.~~

Section 4-73: Limited Burning for Special Purposes

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

- (a) Ceremonial fires and bonfires: A bonfire in connection with a religious ceremony, school pep rallies, scouting activities and similar purposes;
- (b) Camp fires and fires for cookouts;
- (c) Fire for personal comfort;
 - (1) Fires required for personal comfort;
 - (2) A bonfire in connection with recreational activities including but not limited to sledding and ice skating;
- (d) Open burning of agricultural wastes:
 - (1) Open burning of plant life grown on the premises in the course of agricultural operations, when it can be shown that such open burning is necessary and that no fire hazard will occur, provided the person intending to dispose of plant life by open burning shall obtain approval from the fire department which has jurisdiction and shall also notify from the Indianapolis Air Pollution Control Division ~~of the actual time and location of the burning.~~
 - (2) Any open burning permitted under the provision of this subsection shall be allowed only between the hours of 10:00 a.m. and 7:00 p.m., and only at times when the actual or forecast wind speed as given by the local National Weather Service is greater than five miles per hour and less than twenty miles per hour. Such fires shall consist of wood products plant life only.

(e) ~~Indoor Stoves for heating~~ and fireplaces: Fires shall be permitted in ~~indoor~~ wood stoves for heating and fireplaces if where such fire does not create an air pollution problem, ~~a nuisance~~ or a fire hazard.

(f) Limbs, twigs and branches. Residents of single or double family dwellings located on one or more residential lots shall be allowed to burn only dried limbs, twigs and branches (but not leaves) originating on their or contiguous premises, but only between the hours of 10:00 a.m. and 3:00 p.m. Burning shall be more than fifteen feet from any structure, in a non-combustible container, sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom and a mesh covering with openings no greater than 1/4 inch. If such a fire creates a health hazard it shall be extinguished.

Section 4-74: Fire Training

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

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

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

Section 4-75: Emergency Burning

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

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

Section 4-76: Variances for Open Burning

Open burning not otherwise allowed by this regulation may be allowed for air curtain incinerators with prior receipt of a variance application and approval by the Administrator. A person or persons may request permission from the Administrator to burn wood or wood products on any property using an air curtain incinerator. The Board shall, by regulation, establish guidelines for approval or denial of such requests. The petitioner may appeal a denial of a variance request to the Board, pursuant to Section 4-80 of this Chapter.

Section 4-77: Liability

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

(b) The owner of property, as appearing in the latest records of the appropriate township assessor, where open burning in violation of this Article and its regulations occurs, shall be prima facie liable for the violation.

Section 4-78: Enforcement of Open Burning

The open burning provisions of this Article are enforceable by the Department of Public Works of the Consolidated City of Indianapolis and Marion County, the authorized designee of the Director of the Department of Public Works, and any duly appointed fire prevention or law enforcement officer within Marion County (including the excluded cities of Beech Grove, Lawrence, Southport and Speedway), acting on his/her own initiative or at the request of the Department of Public Works.

Section 4-79: Penalties for Open Burning

(a) A person violating open burning provisions of this Article may be served by an authorized enforcement person with a notice of violation as provided in Article III, Section 103 of the Revised Code of the Consolidated City of Indianapolis and Marion County, Enforcement Procedures - Ordinance Violations Bureau. The person upon whom a notice of violation is served may admit liability to the violation as provided in the above sections and pay a civil penalty of fifty (\$50.00) dollars.

(b) If, in the opinion of the authorized enforcement person, the violation is so substantial as to warrant a more severe penalty, the authorized enforcement person may issue a notice of violation and notify the Administrator who may initiate civil enforcement by submitting a written request to the Corporation Counsel to file a complaint of ordinance violation and/or to seek an injunction. The Administrator shall send notice of the written request to the person subject to the action.

(c) Except as otherwise provided herein, any person found in violation of the open burning provisions of this Article shall be fined an amount not to exceed \$2,500.00 for each violation. Each day in violation shall be considered a separate violation.

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

The President requested that Councillor Coughenour keep the Council posted on the progress of the pilot program either by memorandum or at a later council meeting.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 391, 1991. The proposal appropriates \$10,766 for the Prosecuting Attorney to hire an additional staff person to handle Civil Protective Orders and to purchase computer equipment and furniture for the new employee. Councillor Dowden informed the Council that Proposal No. 391, 1991 was tabled in Committee.

PROPOSAL NO. 408, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 408, 1991 on September 24, 1991. The proposal appropriates \$25,000 to pay the salaries for two additional deputy prosecutors for the sex crimes division. The Committee amended the proposal in Committee by reducing the appropriation by \$5,000. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:15 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 408, 1991, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Borst, Boyd, Cottingham, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, Solenberg, West

0 NAYS:

8 NOT VOTING: Brooks, Clark, Coughenour, Irvin, O'Dell, Ruhmkorff, Strader, Williams

3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Proposal No. 408, 1991, as amended, was retitled FISCAL ORDINANCE NO. 67, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Twenty Thousand Dollars (\$20,000) in the County General Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (w) and (b) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to hire two Deputy Prosecutors to handle the additional caseloads in sex crimes.

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$15,000
4. Capital Outlay	2,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (Fringes)	<u>3,000</u>
TOTAL INCREASE	\$20,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$20,000</u>
TOTAL REDUCTION	\$20,000

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

PROPOSAL NO. 410, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 410, 1991 on September 24, 1991. The proposal appropriates \$181,740 for the Justice Agency to utilize forfeiture funds to pay outstanding debts and purchase equipment. By a 5-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:17 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 410, 1991 was adopted on the following roll call vote; viz:

18 YEAS: *Borst, Boyd, Clark, Cottingham, Curry, Dowden, Giffin, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, West*

0 NAYS:

8 NOT VOTING: *Brooks, Coughenour, Gilmer, O'Dell, Ruhmkorff, Solenberg, Strader, Williams*

3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 410, 1991 was retitled FISCAL ORDINANCE NO. 68, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Hundred Eighty-one Thousand Seven Hundred Forty Dollars

(\$181,740) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (dd) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to utilize forfeiture funds to pay outstanding debts and purchase equipment.

SECTION 2. The sum of One Hundred Eighty-one Thousand Seven Hundred Forty Dollars (\$181,740) 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>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
3. Other Services and Charges	\$ 72,815
4. Capital Outlay	<u>108,925</u>
TOTAL INCREASE	\$181,740

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>\$181,740</u>
TOTAL REDUCTION	\$181,740

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

PROPOSAL NO. 489, 1991. The proposal appropriates \$18,400 for the Superior Court, Criminal Division, Probation Department, to purchase supplies and computer hardware for the office, and to purchase bulletproof vests and police radios for the field units. Councillor Dowden asked for consent to postpone Proposal No. 489, 1991 until October 28, 1991. Consent was given.

PROPOSAL NO. 490, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 490, 1991 on October 9, 1991. The proposal appropriates \$147,136 for the Community Corrections Agency to provide the necessary re-entry services for juveniles upon release from State detention facilities. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

The President called for public testimony at 9:18 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, that the proposal be stricken. Proposal No. 490, 1991 was stricken by unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 411, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 411, 1991 on October 9, 1991. The proposal transfers and appropriates \$6,300 for the Superior Court, Civil Division, Room 5, to purchase a computer and eight tables for the courtroom. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 411, 1991 was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Clark, Cottingham, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Jones, McGrath, Moriarty, O'Dell, Rhodes, Schneider, SerVaas, Solenberg, Strader, West, Williams*

0 NAYS:

4 NOT VOTING: *Brooks, Coughenour, Irvin, Ruhmkorff*

3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 411, 1991 was retitled FISCAL ORDINANCE NO. 69, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Six Thousand Three Hundred Dollars (\$6,300) in the County General Fund for purposes of the Superior Court, Civil Division, Room Five, and reducing certain other appropriations for that Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (qq) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Civil Division, Room 5, to purchase a computer and eight new hearing tables.

SECTION 2. The sum of Six Thousand Three Hundred Dollars (\$6,300) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CIVIL DIVISION, ROOM FIVE</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	\$6,300
TOTAL INCREASE	\$6,300

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

<u>SUPERIOR COURT, CIVIL DIVISION, ROOM FIVE</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$ 400
3. Other Services & Charges	5,900
TOTAL REDUCTION	\$6,300

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

PROPOSAL NO. 465, 1991. Councillor Clark reported that the Municipal Corporations Committee heard Proposal No. 465, 1991 on October 10, 1991. The proposal approves a schedule of ordinance violations for The Health and Hospital Corporation of Marion County. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Clark moved, seconded by Councillor Golc, for adoption. Proposal No. 465, 1991 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Clark, Cottingham, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Brooks, Coughenour, Irvin*

3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 465, 1991 was retitled GENERAL RESOLUTION NO. 9, 1991 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 9, 1991

A GENERAL RESOLUTION approving the schedule of ordinance violations designated by a municipal corporation, The Health and Hospital Corporation of Marion County, Indiana, under IC 33-6-3.

WHEREAS, The Health and Hospital Corporation of Marion County, Indiana wishes to establish an ordinance violations bureau as permitted under IC 33-6-3;

WHEREAS, IC 33-6-3-2(d) requires approval by the city-county legislative body of the schedule of ordinance violations designated by a municipal corporation in a county having a consolidated city; and

WHEREAS, The Health and Hospital Corporation of Marion County, Indiana now requests the approval by the City-County Council of its schedule of ordinance violations;

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

SECTION 1. The City-County Council hereby approves the ordinance violations schedule of The Health and Hospital Corporation of Marion County, Indiana as follows:

- (1) Chapter 8, The Code, The Health and Hospital Corporation of Marion County, Indiana; Articles 5-12: Failure to meet the sanitary and operational requirements of a food establishment operation.
- (2) Chapter 9, The Code, The Health and Hospital Corporation of Marion County, Indiana; Articles 5 and 6:
Failure to meet the sanitary and disease prevention requirements of a food vending operation.
- (3) Chapter 10, The Code, The Health and Hospital Corporation of Marion County, Indiana; Article 3; Sections 301-321:
Failure to comply with sanitation and other minimum standards in dwellings.
- (4) Chapter 19, The Code, The Health and Hospital Corporation of Marion County, Indiana; Article 3; Sections 301-309:
Failure to properly maintain commercial property to prevent a public health threat.

SECTION 2. The monetary penalty for violation of any of the provisions listed in Section 1 of this resolution shall be fifty dollars (\$50).

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

The President passed the gavel to Councillor Boyd.

The President asked Councillor Clark if The Health and Hospital Corporation (H&H) is the enforcement agency on the ordinance to ban open burning. Councillor Clark asked Susan Uhl, attorney for H&H, to answer that question. Ms. Uhl responded that in the past H&H has received the authority from Department of Public Works to enforce the open burning ordinance.

Councillor Boyd passed the gavel back to the President.

Councillor Golc stated that in his opinion H&H does not have the manpower to enforce this issue.

Councillor Clark asked for consent to give his report on the Capitol Improvement Board (CIB) and the Indianapolis Convention and Visitors Bureau (ICVB). Consent was given. Councillor Clark said that the Municipal Corporations Committee heard a report from CIB concerning allegations regarding the misuse of funds by ICVB. He said that there was a misunderstanding concerning the misuse of funds which was cleared up by CIB and the majority of the Committee members feel that CIB and ICVB are doing an outstanding job.

Councillor Williams stated that she is concerned with the lack of accountability to this Council by CIB and ICVA and the lack of authority this Council has to do with the these agencies. Two issues came out of that meeting which she believes this Council should

monitor very closely: (1) a new contract is being drawn up between CIB and ICVA and (2) ICVA's new accounting system is to separate tax dollars from private dollars. She will be introducing a resolution at the next Council meeting asking that this Council be given the opportunity to review and comment on this new contract before it is consummated.

Councillor West said that this Council has no appointees to CIB. He suggested that the Council seek a change in the state law governing CIB so that three members are appointed to it by the Council.

PROPOSAL NO. 481, 1991. Councillor Rhodes reported that the Administration Committee heard Proposal No. 481, 1991 on October 7, 1991. The proposal amends the procedure by which a disposing agent sells or transfers personal property to Indiana not-for-profit corporations. The proposal was amended in Committee by requiring that any property valued at \$5,000 or more of original value should go back to the Council for approval. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Giffin, for adoption. Proposal No. 481, 1991, as amended, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Brooks, Cottingham, Curry, Giffin, Gilmer, Golc, Holmes, Irvin, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader, West*
0 NAYS:
6 NOT VOTING: *Clark, Coughenour, Dowden, Howard, Schneider, Williams*
3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 481, 1991, as amended, was retitled GENERAL ORDINANCE NO. 114, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 114, 1991

A GENERAL ORDINANCE amending the procedure by which a disposing agent sells or transfers personal property to Indiana not-for-profit corporations.

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

SECTION 1. Article XIII of Chapter 2 of the Code of Indianapolis and Marion County, specifically Sec. 2-516, be amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 2-516. Same-Procedures for sale or transfer of personal property.

(a) A disposing agent may sell to an eligible corporation personal property that:

- (1) Has been left in the custody of an officer or employee of the city or county and has remained unclaimed for more than one (1) year; or
- (2) Belongs to the political subdivision or agency but is no longer needed or is unfit for the purpose for which it was intended; and has been offered to but is not needed by any other City or Marion County department, elected official or agency.

~~(b) The disposing agent shall have the property appraised by one (1) appraiser who has the qualifications specified in subsection (a) of section 2-515.~~

~~(c)(b)~~ The disposing agent may sell the property at a private sale to an eligible corporation on such terms and conditions and for such compensation, including a nominal compensation, as the disposing agent shall deem to be in the best interests of the city or county; however, any property which was valued at Five Thousand Dollars (\$5,000) or more of the original value should go back to the Council for approval. ~~provided that if the personal property to be sold is:~~

~~(1) One (1) item, with an appraised value of five hundred dollars (\$500.00) or more, or
(2) More than one (1) item, with a total appraised value of one thousand dollars (\$1,000.00) or more;
the disposing agent may not sell the personal property at a price less than ninety (90) per cent of the
appraised value (C.O. 94, 1988, §1)~~

SECTION 2. Article XIII of Chapter 2 of the Code of Indianapolis and Marion County, specifically Sec. 2-517, be amended by inserting the underlined text to read as follows:

Sec. 2-517. Same-Costs related to sale or lease of real property.

The disposing agent may negotiate with an eligible corporation with respect to the payment of costs associated with the sale or lease of real property under this article, provided that no sale or lease of real property at a price or rental which is less than the appraised fair market or fair rental value (except for sale or lease of the city market) may be made by the city or county to an eligible corporation unless the eligible corporation agrees to pay all costs associated with such sale or lease, including, but not limited to, costs of title searches, title insurance premium, the cost of the appraisals performed in connection with the sale or lease, recording fees, attorneys' fees, and the expense of publishing the notices required by this article.

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

PROPOSAL NO. 482, 1991. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 482, 1991 on October 8, 1991. The proposal determines not to allow the Township Board of Wayne Township to borrow money pursuant to IC 12-2-4.5. The Wayne Township Trustee's Office needs to borrow \$270,000 for poor relief for the remainder of 1991. The County Auditor stated that the money is not available from the County General Fund. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cottingham moved, seconded by Councillor Holmes, for adoption. Proposal No. 482, 1991 was adopted on the following roll call vote; viz:

19 YEAS: Borst, Brooks, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Holmes, Irvin, McGrath, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West
6 NAYS: Boyd, Golc, Howard, Jones, Moriarty, Williams
1 NOT VOTING: Clark
3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Proposal No. 482, 1991 was retitled SPECIAL ORDINANCE NO. 14, 1991 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 14, 1991

A Proposal for a SPECIAL ORDINANCE determining not to allow the Township Board of Wayne Township to borrow money pursuant to IC 12-2-4.5.

WHEREAS, the Auditor of Marion County, Indiana (the "Auditor"), has determined that the poor relief account of Wayne Township in Marion County, Indiana ("Wayne Township"), will be exhausted before the end of this present fiscal year, and the Auditor has notified the Township Board of Wayne Township (the "Township Board") of such determination; and

WHEREAS, after receiving such notice from the Auditor, the Township Board appealed to the Board of Commissioners of the County of Marion, Indiana (the "Board of Commissioners"), and the Mayor of the City of Indianapolis, Indiana (the "Mayor"), for the right to borrow money on a short term basis to fund poor relief services in Wayne Township; and

WHEREAS, in such appeal the Township Board has shown that: (i) the amount of money contained in the poor relief account of Wayne Township will not be sufficient to fund services required to be provided within Wayne Township under IC 12-2; (ii) the estimated amount of money that will be needed to fund such deficit is an amount of Two Hundred Seventy Thousand Dollars (\$270,000); and (iii) Wayne Township will repay such loan by December 31, 1993; and

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WHEREAS, the Board of Commissioners heard the appeal of the Township Board and determined not to loan the requested amount to the Township Board; and

WHEREAS, the Mayor heard the appeal of the Township Board and determined not to loan the requested amount to Township Board; and

WHEREAS, the Board of Commissioners and the Mayor have submitted the request of the Township Board to the Auditor who has requested a special meeting of the City-County Council of the City of Indianapolis and Marion County (the "City-County Council"), requesting the City-County Council to allow the borrowing by Wayne Township; and

WHEREAS, the City-County Council now finds that the Township Board should not be allowed to borrow money pursuant to IC 12-2-4.5, that the appeal of the Township Board should not be granted, and that the Auditor should not be authorized to borrow money for and on behalf of Wayne Township to fund the obligations of Wayne Township incurred in this fiscal year under IC 12-2; 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 determines that the Township Board should not be allowed to borrow money pursuant to IC 12-2-4.5, that the appeal of the Township Board is not granted, and that the Auditor is not authorized to borrow money for and on behalf of Wayne Township to fund the obligations of Wayne Township incurred in this fiscal year under IC 12-2.

SECTION 2. The Auditor is hereby authorized and directed, on behalf of the City-County Council, to inform the Township Board of the City-County Council's decision.

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

PROPOSAL NO. 483, 1991. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 483, 1991 on October 8, 1991. The proposal determines to allow the Township Board of Wayne Township to borrow money pursuant to IC 12-2-4.5. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Proposal No. 483, 1991 was stricken by a majority voice vote.

PROPOSAL NO. 484, 1991. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 484, 1991 on October 1 and 11, 1991. The proposal recognizes the Fort Harrison Transition Task Force as the official entity for the study of land re-use. The Committee amended this proposal by adding that the task force is directed to submit their charter for approval to this Council and the Lawrence City Council no later than February, 1992. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst moved, seconded by Councillor Williams, for adoption. Proposal No. 484, 1991, as amended, was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brooks, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader, West, Williams*

0 NAYS:

4 NOT VOTING: *Clark, Cottingham, Coughenour, Schneider*

3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 484, 1991, as amended, was retitled SPECIAL RESOLUTION NO. 87, 1991 and reads as follows:

October 14, 1991

CITY-COUNTY SPECIAL RESOLUTION NO. 87, 1991

A SPECIAL RESOLUTION recognizing the Fort Harrison Transition Task Force as the official entity for the Defense Office of Economic Adjustment to provide overall guidance, expertise, and planning and financial assistance to further their stated goals.

WHEREAS, The Base Realignment and Closure Commission has recommended that Fort Benjamin Harrison located in Lawrence, Marion County, Indiana, will be closed on July 10, 1997.

WHEREAS, Indianapolis, Marion County and the City of Lawrence, Indiana, desire to maintain economic stability after the base closure.

WHEREAS, the Defense Office of Economic Adjustment provides overall guidance, expertise, planning and financial assistance to communities through a recognized local committee or task force.

WHEREAS, the Fort Harrison Transition Task Force has been formed to study base facility and land re-use and the Finance Center Task Force has been formed as a subcommittee of the Fort Harrison Transition Task Force to study methods of keeping the Finance Center function in operation with or without the use of Building One.

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

SECTION 1. The City-County Council of the City of Indianapolis and Marion County, Indiana, hereby recognizes the Fort Harrison Transition Task Force as the officially recognized entity through which studies be conducted and policies for base facility and land re-use be recommended.

SECTION 2. The City-County Council of the City of Indianapolis and Marion County, Indiana, hereby recognizes the Fort Harrison Transition Task Force through its subcommittee the Finance Center Task Force as the officially recognized entity through which studies be conducted and policies be formulated for methods of keeping the Finance Center function in operation with or without the use of Building One.

SECTION 3. The City-County Council of the City of Indianapolis and Marion County, Indiana, hereby recognizes the Fort Harrison Transition Task Force and its subcommittee the Finance Center Task Force as the contact entity for the Defense Office of Economic Adjustment to provide overall guidance, expertise, planning and financial assistance to further their stated goals.

SECTION 4. No later than February, 1992, the Fort Harrison Transition Task Force is directed to prepare and submit for approval to this Council and the City Council of Lawrence a governing document or charter under which the Task Force will be appointed and operate.

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

PROPOSAL NO. 485, 1991. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 485, 1991 on October 1, 1991. The proposal approves the use of Community Development Block Grant Funds for additions to the Neighborhood Development Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Irvin, for adoption. Proposal No. 485, 1991 was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams*

0 NAYS:

4 NOT VOTING: *Clark, Dowden, Moriarty, Solenberg*

3 NOT PRESENT: *Hawkins, Mukes-Gaither, Shaw*

Proposal No. 485, 1991 was retitled SPECIAL RESOLUTION NO. 89, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 89, 1991

A SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 24, 1990, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 95, 1990, 1991 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 3.01 of the Budget Ordinance, as approved by the Council, reads as follows:

SECTION 3.01. STATE, LOCAL AND FEDERAL GRANTS.

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulation in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purposes grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a program for housing revitalization and economic development projects, identified as Additions to Community Development Block Grant 1991 Recommendations For The Neighborhood Development Fund, utilizing Community Development Grant Funds to the Council for its approval pursuant to Section 3.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operations of each of the projects submitted by the Department of Metropolitan Development, should be approved; now, therefore:

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

SECTION 1. The 1991 Recommendations for the Neighborhood Development Fund, utilizing Community Development Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 3.01 of the Budget Ordinance.

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

EXHIBIT A

Additions To
Community Development Block Grant
1991 Recommendations For The Neighborhood
Development Fund

<u>Organization</u>	<u>Project Category</u>	<u>Funding Level</u>
Community Action	Production Initiatives	\$ 20,450
Westside Community Development Corp.	Production Initiatives	5,809
Citizens Neighborhood Coal.	Production Initiatives	60,000

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Eastside Community Investments	Acquisition Rehabilitation	20,000
Fountain Square Church & Community	Acquisition Rehabilitation	<u>55,465</u>
Additional Funding For 1991:		\$161,724

PROPOSAL NO. 487, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 487, 1991 on October 9, 1991. The proposal amends Division 2 of Article XI of Chapter 2 of the Code of Indianapolis and Marion County authorizing service of process fees to include service of out-of-state, state administrative or federal writ, order, process, notice, or other papers. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 487, 1991 was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, O'Dell, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams

0 NAYS:

3 NOT VOTING: Moriarty, Rhodes, Solenberg

3 NOT PRESENT: Hawkins, Mukes-Gaither, Shaw

Proposal No. 487, 1991 was retitled GENERAL ORDINANCE NO. 115, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 115, 1991

A GENERAL ORDINANCE concerning service of process fees to include service of out-of-state, state administrative or federal writ, order, process, notice, or other papers.

WHEREAS, IC 33-19 defines court fees including fees for the county sheriff to deliver writs, orders, processes, notices, and other papers for causes filed within the county.

WHEREAS, the Marion County Sheriff's Department, Civil Division, presently serves writs, orders, processes, notices, and other papers for out-of-state causes, federal causes and state administrative causes at no charge.

WHEREAS, a Twenty-five Dollar (\$25.00) service of process fee is reasonably related to reasonable and just rates and charges for the service provided.

WHEREAS, the county has the authority to legislate service of process fees pursuant to IC 36-1-3-8 and IC 36-1-3-3.

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, specifically Division 2 of Article XI of Chapter 2, be and is hereby amended to change the title of Division 2 to read "Division 2. Fees of County Offices" and by adding new sections 2-454 and 2-455 to read as follows:

Sec. 2-454. Service of process fees

(a) The Marion County Sheriff's Department, Civil Division, may charge a service of process fee in the amount of Twenty-five Dollars (\$25.00) for each service of out-of-state, state administrative or federal writ, order, process, notice, or other paper served unless otherwise exempted by statute.

(b) The Marion County Sheriff's Department, Civil Division, shall forward the fees monthly to the Marion County Auditor for deposit in the county general fund.

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

PROPOSAL NO. 491, 1991. The proposal reorganizes the Department of Public Works and adding a new division. Councillor Coughenour asked for consent to return Proposal No. 491, 1991 to Committee. Consent was given.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:55 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 14th day of October, 1991.

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)