

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

**REGULAR MEETINGS
MONDAY, MARCH 21, 1994**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, March 21, 1994, with Councillor SerVaas presiding.

Councillor Beadling led the opening prayer and invited all present to join her 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Rhodes introduced members from First Friends Church's Boy Scout Troop No. 200: Dan Burtwhistle, Jim Rodehefer, Mike Hopkins, Byron Schaller, Brent Taylor, David Locke, Rick Davenport, and Scoutmaster Greg Hall, Assistant Scoutmaster David Hurst, and Troop Committeeman Phil Farris.

Councillor Curry introduced former Councillor Paul F. Cantwell.

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, March 21, 1994, 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
President, City-County Council

March 2, 1993

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 Monday, March 7, 1994, a copy of LEGAL NOTICE on General Ordinance No. 15, 1994.

Respectfully,
s/Suellen Hart
Assistant Clerk of the City-County Council

March 7, 1993

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, March 10, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 113, 114 and 115, 1994, to be held on Monday, March 21, 1994, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Suellen Hart
Assistant Clerk of the City-County Council

March 8, 1993

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, March 10, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 130, 1994, to be held on Monday, March 21, 1994, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Suellen Hart
Assistant Clerk of the City-County Council

March 21, 1994

March 2, 1994

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 Acting Clerk of the City-County Council, Robert G. Elrod, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 3, 1994 - appropriating \$3,059,900 for the Department of Administration, Indianapolis Fleet Services Division, to purchase replacement vehicles for its fleet

GENERAL ORDINANCE NO. 18, 1994 - amending the Code concerning numbering buildings

GENERAL ORDINANCE NO. 19, 1994 - amending the Code to provide for the use of automated ordinance violation citations

GENERAL ORDINANCE NO. 20, 1994 - amending the Code by authorizing intersection controls for Southern Lakes subdivision (District 23)

GENERAL ORDINANCE NO. 21, 1994 - amending the Code by authorizing intersection controls for Hartman Farms subdivision (District 12)

GENERAL ORDINANCE NO. 22, 1994 - amending the Code by authorizing intersection controls for Admirals Bay subdivision (District 5)

GENERAL ORDINANCE NO. 23, 1994 - amending the Code by authorizing intersection controls for Oakforge Lakes subdivision (District 9)

GENERAL ORDINANCE NO. 24, 1994 - amending the Code by authorizing intersection controls for the Chestnut Hills subdivision (District 1)

GENERAL ORDINANCE NO. 25, 1994 - amending the Code by authorizing a multi-way stop at McFarland Boulevard and Poppyseed Drive (District 24)

GENERAL ORDINANCE NO. 26, 1994 - amending the Code by authorizing a multi-way stop at Cricklewood Road and 65th Place (District 4)

GENERAL ORDINANCE NO. 27, 1994 - amending the Code by authorizing a multi-way stop at Lee Road and 63rd Street (District 5)

GENERAL ORDINANCE NO. 28, 1994 - amending the Code by authorizing a multi-way stop at Avalon Lane, Hillcrest Country Club Road, and Hillcrest Lane (District 4)

GENERAL ORDINANCE NO. 29, 1994 - amending the Code by authorizing a multi-way stop at Delaware Street and 55th Street (District 7)

GENERAL ORDINANCE NO. 30, 1994 - amending the Code by adding and deleting parking restrictions on 30th Street (Districts 8, 9, 10, 22)

GENERAL ORDINANCE NO. 31, 1994 - amending the Code by adding and deleting parking restrictions at various downtown locations (Districts 16, 22)

GENERAL ORDINANCE NO. 32, 1994 - amending the Code by changing the speed limit for segments of Southport Road (District 24)

GENERAL ORDINANCE NO. 33, 1994 - amending the Code by authorizing a passenger and material loading zone for the Pan American Plaza (District 16)

GENERAL ORDINANCE NO. 34, 1994 - amending the Code by authorizing a weight limit restriction on segments of Fall Creek Parkway, North Drive (Districts 4, 11)

GENERAL ORDINANCE NO. 35, 1994 - amending the Code by authorizing weight limit restrictions on Gale Street, Ewing Street, and Kealing Avenue between 10th Street and Brookside Parkway (District 10)

GENERAL ORDINANCE NO. 36, 1994 - amending the Code by authorizing a weight limit restriction on Arsenal Avenue from 10th Street to 12th Street (District 22)

SPECIAL RESOLUTION NO. 9, 1994 - recognizing hero Scott Thomas

SPECIAL RESOLUTION NO. 10, 1994 - welcoming Shirley Jones to Indianapolis

SPECIAL RESOLUTION NO. 11, 1994 - approving the leasing of property within Eagle Creek Park by the Department of Parks and Recreation for the purpose of establishing a restaurant and marina facility

SPECIAL RESOLUTION NO. 12, 1994 - amending Special Resolution No. 72, 1990, by extending the expiration date for Homeward Partners, Inc. through August 31, 1994

SPECIAL RESOLUTION NO. 13, 1994 - amending Special Resolution No. 45, 1993, as amended by extending the expiration date for Brulin & Company, Inc. through August 31, 1994

SPECIAL RESOLUTION NO. 14, 1994 - an inducement resolution for Enterprise Housing Brookside, Inc. in a amount not to exceed \$1,500,000 for the acquisition and renovation of the existing 140 unit multifamily residential rental project known as Brookside Courts Apartments located at 1840 Perkins Avenue

SPECIAL ORDINANCE NO. 1, 1994 - approving the execution of document amendments relating to the previously-issued City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Bonds, Series 1991 (Cantor & Coleman II Project) and approving and authorizing other actions in respect thereto

SPECIAL ORDINANCE NO. 2, 1994 - amending and supplementing Special Ordinance No. 14, 1993, relating to the issuance of City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Sunrise Apartments Project located at 4514 Candletree Circle) Series A, B and C in the total aggregate principal amount not to exceed \$6,000,000

Respectfully,
s/Stephen Goldsmith

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of February 28, 1994. There being no additions or corrections, the minutes were approved as distributed.

Councillor Curry expressed his concern over unfunded federal mandates. He recently discovered that before Marion County can change a vehicle bridge to a foot bridge in the southeastern part of the County, the federal government is requiring the County to spend \$6,000 on a study to determine the impact of this bridge change on the Indiana bat. He asked all the Councillors to contact their federal and state representatives concerning these unfunded mandates.

Councillor Rhodes stated that there is legislation before Congress, co-sponsored by Senators Richard Lugar and Daniel Coates and Representatives Dan Burton and Andy Jacobs, that would prohibit mandates by Congress for any agencies of Congress that did not provide for funding or a source for funding.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 172, 1994. This proposal, sponsored by Councillor SerVaas, recognizes "Buffalo Soldier" John Morton-Finney. Councillor SerVaas read the resolution and presented

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a copy of the document to Mr. Morton-Finney, who expressed appreciation for the recognition. Also present was Mr. Morton-Finney's daughter. Councillor Boyd expressed his admiration for Mr. Morton-Finney and asked to be a co-sponsor of this proposal. Councillor SerVaas moved, seconded by Councillor Boyd, for adoption. Proposal No. 172, 1994 was adopted by unanimous voice vote.

Proposal No. 172, 1994 was retitled SPECIAL RESOLUTION NO. 15, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 1994

A SPECIAL RESOLUTION recognizing "Buffalo Soldier" John Morton-Finney.

WHEREAS, the life of 104-year-old Indianapolis resident John Morton-Finney holds a positive and inspiring message for everyone in this city;

WHEREAS, Mr. Finney was born in 1889 when Benjamin Harrison was President and the cornerstone was laid for Monument Circle's Soldiers' and Sailors' Monument; and

WHEREAS, he was the son of a slave, and joined one of the two all-Black cavalry units of the U.S. Army called "Buffalo Soldiers" by the western Indians, and was rejected for an officer's commission because of his race; and

WHEREAS, from 1911 to 1914 he served honorably in the Philippines with the Army, and served in France during the First World War; and

WHEREAS, pursuing his life long desire for learning, in 1916 he earned his first of 12 academic degrees, he spent 47 years as a teacher and administrator with the Indianapolis Public Schools, has been an attorney in good standing since 1935, has learned six languages and is an avid reader; 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 distinguished Indianapolis citizen, John Morton-Finney whose active adult life spans the entire Twentieth Century.

SECTION 2. John Morton-Finney has never let adversity stand in his way, proudly wore the uniform of this nation, and serves as an inspiration and role model for all young people.

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. 173, 1994. This proposal, sponsored by Councillor Williams, congratulates the Arsenal Technical High School Constitution team. Councillor Williams asked Councillor Jones to join her at the podium. Councillor Williams read the resolution and presented a copy of the document to the team members and their coaches. Derrick Slack, a member of the constitution team, expressed appreciation for the recognition. Councillor Williams moved, seconded by Councillor Jones, for adoption. Proposal No. 173, 1994 was adopted by unanimous voice vote.

Proposal No. 173, 1994 was retitled SPECIAL RESOLUTION NO. 16, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1994

A SPECIAL RESOLUTION congratulating the Arsenal Technical High School Constitution team.

WHEREAS, the Center for Civic Education and the Commission on the Bicentennial of the United States Constitution sponsor the annual competition for knowledge of the U.S. Constitution; and

WHEREAS, Indianapolis' Arsenal Technical High School won the 10th Congressional District Constitution Championship on November 23, 1993, and on December 16th they won the State Championship title; and

WHEREAS, this marks Tech's fourth state championship in the last five years; and

WHEREAS, the Tech team, coached by social studies teacher Karl Schneider, is now preparing for the national level of competition in Washington, D.C. beginning on April 29, 1994; 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 congratulates the Arsenal Technical High School Constitution team coached by Karl Schneider for winning the Indiana title.

SECTION 2. The Council specifically recognizes the Tech team members: Jon Backus, Alexandra Barnes, Lucinda Barnhart, Jennifer Beerbower, Annetta Chapman, Anthony Christenberry, Miranda Cunningham, Damon Gardner, Geoffrey Geib, Mark Gilman, Kristi Hightower, Wade Hill, Eric Hogue, Virginia Houston, Lindy Lambert, Francis Lapka, Rose Martinez, Julia McGill, Michael Parran, Brett Peterson, Charles Poi, Patricia Rini, Sallyann Scott, Timothy Shafer, Nathan Sheets, Everett Sherdan, Janet Simpson, Derrick Slack, Brandy Stone, Edward Stuckey, Megan Sullivan, Kenneth Thompson, Shauntea Tolliver, Kalpesh Unune, Bruce Wadlington, Shawn Wages, David Williamson and Jon Wright.

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. 174, 1994. This proposal, sponsored by Councillor Franklin, recognizes Dorothea Green. Councillor Franklin read the resolution and presented a copy of the document to Ms. Green, who expressed appreciation for the recognition. Also present were friends of Ms. Green's and her family. Councillor Franklin moved, seconded by Councillor Beadling, for adoption. Proposal No. 174, 1994 was adopted by unanimous voice vote.

Proposal No. 174, 1994 was retitled SPECIAL RESOLUTION NO. 17, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 1994

A SPECIAL RESOLUTION recognizing Dorothea Green.

WHEREAS, Dorothea Green was selected by the readers as *The Indianapolis Star's* 1993 Woman of the Year; and

WHEREAS, since 1988, Mrs. Green has been Director of the United Christmas Service, a United Way agency that raises money to benefit thousands of needy people each Christmas; and

WHEREAS, a minister's widow, at age 73 she works tirelessly to put her Christian faith into practice by bringing some Christmas spirit into the homes of those who face a bleak and meager holiday season, 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 congratulates Dorothea Green for being voted 1993 Woman of the Year by the readers of *The Indianapolis Star*.

SECTION 2. The recipients and donors of United Christmas Service are truly blessed each year because people like Dorothea Green and her volunteers are hard at work.

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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. 175, 1994. This proposal, sponsored by Councillor Franklin, recognizes Isaac Randolph, Jr. Councillor Franklin read the resolution and presented a copy of the document to Mr. Randolph, who expressed appreciation for the recognition. Fire Chief Keith Smith voiced his admiration of Mr. Randolph. Mr. Randolph's family was also present. Councillor Franklin moved, seconded by Councillor Gray, for adoption. Proposal No. 175, 1994 was adopted by unanimous voice vote.

Proposal No. 175, 1994 was retitled SPECIAL RESOLUTION NO. 18, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1994

A SPECIAL RESOLUTION recognizing Isaac Randolph, Jr.

WHEREAS, Indianapolis firefighter Isaac Randolph, Jr. and his fellow volunteers have created a youth activity center called Saint Florian Center named after the patron saint of firefighters; and

WHEREAS, for his leadership in this project which works with the youth in the neighborhood where the fire station is located, Isaac Randolph, Jr. was voted the 1993 Man of the Year by the readers of *The Indianapolis Star*; and

WHEREAS, he is an enthusiastic and tireless worker for the Saint Florian Center and the Center's youth programs which provide guidance to channel the high energy level of young people into productive activities such as athletics, tutoring, career education and life skills; 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 congratulates Isaac Randolph, Jr. and all the other volunteers at Saint Florian Center for their perseverance, energy and their thousands of hours of time to help give young people worthwhile alternatives to the limited future of wasted lives, gangs, drugs and violence.

SECTION 2. A part of Indianapolis is a little better because of the presence of Isaac Randolph, Jr. and his friends.

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. 176, 1994. This proposal, sponsored by Councillors Beadling, Black, Borst, Boyd, Curry, Dowden, Hinkle, Rhodes, Ruhmkorff, Shambaugh and West, recognizes the 75th anniversary of the American Legion. Councillor Beadling asked Councillor Dowden to join her at the podium. Councillor Beadling read the resolution and presented copies of the document to members of the American Legion who were present. William G. Clark, 11th District Commander, Department of Indiana, expressed appreciation for the recognition. Also present were 11th District Chaplain Ed Merklin, Post 374 Commander Daniel L. Hervey, Vice Commander Post 374 Bill Hendley, Post 355 Commander Robert Burchfield, and also from Post 355 Frances G. Stevens. Councillor Beadling moved, seconded by Councillor Dowden, for adoption. Proposal No. 176, 1994 was adopted by unanimous voice vote.

Proposal No. 176, 1994 was retitled SPECIAL RESOLUTION NO. 19, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1994

A SPECIAL RESOLUTION recognizing the seventy-fifth anniversary of the American Legion.

WHEREAS, the American Legion was founded March 15-17, 1919, in Paris, France, by World War One American Expeditionary Forces servicemen; and

WHEREAS, since that time the American Legion has welcomed into its ranks veterans of World War Two, the Korean and Vietnam Wars, Lebanon, Grenada, Panama and the Persian Gulf War; and

WHEREAS, the national and state headquarters of the American Legion is in downtown Indianapolis within walking distance of the City-County Building; and

WHEREAS, since 1919, the American Legion has pushed for a strong national defense, initiated the G.I. Bill, hosts annual Boys State and Girls State, advocates strong veterans hospitals and other veterans benefits, helped veterans get the medals they have earned, strongly opposed Communism and other totalitarian dictatorships, sponsors boy scout troops and youth baseball leagues and has established thousands of local American Legion posts throughout the nation; 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 pauses to recognize the seventy-fifth birthday of the American Legion.

SECTION 2. The Council applauds the American Legion's work for America's armed forces veterans, for the young people, and for its firm stand of support for a strong national defense.

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 NOS. 715, 1993; 39 and 70, 1994. The President stated that these board appointments were heard by various committees. The Committees have recommended to the full Council that the proposals be adopted. The President ruled that these three board appointments would be voted on together. PROPOSAL NO. 715, 1993. The proposal reappoints Howard Howe to the Board of Capital Asset Management. PROPOSAL NO. 39, 1994. The proposal reappoints Lelia Smith to the Marion County Commission on Youth, Inc. PROPOSAL NO. 70, 1994. The proposal appoints Phillip Hinkle to the Audit Committee. Proposal Nos. 715, 1993; 39, as amended, and 70, 1994 were adopted by unanimous voice vote.

Proposal No. 715, 1993 was retitled COUNCIL RESOLUTION NO. 49, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 1994

A COUNCIL RESOLUTION reappointing Howard Howe to the Board of Capital Asset Management.

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 Board of Capital Asset Management, the Council appoints:

Howard Howe

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SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 39, 1994, as amended, was retitled COUNCIL RESOLUTION NO. 50, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 1994

A COUNCIL RESOLUTION reappointing Lelia Smith to the Marion County Commission on Youth, Inc.

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 Commission on Youth, Inc., the Council appoints:

Lelia Smith

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

Proposal No. 70, 1994 was retitled COUNCIL RESOLUTION NO. 51, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 1994

A COUNCIL RESOLUTION appointing Phillip Hinkle to the Audit Committee.

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 Audit Committee, the Council appoints:

Phillip Hinkle

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 135, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 135, 1994 on March 21, 1994. The proposal approves the issuance of City of Indianapolis, Indiana Tax-Exempt Adjustable Mode Economic Development Revenue Bonds (Herff Jones, Inc. Project) Series 1994 in an aggregate principal amount not to exceed \$4,100,000 (4500 West 62nd Street, District #9). By a 6-0 vote. the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Gray, for adoption. Proposal No. 135, 1994 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Brents, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

6 NOT VOTING: Beadling, Coughenour, Franklin, Hinkle, Ruhmkorff, Williams

Proposal No. 135, 1994 was retitled SPECIAL ORDINANCE NO. 3, 1994 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 1994

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Tax-Exempt Adjustable Mode Economic Development Revenue Bonds (Herff Jones, Inc. Project) Series 1994, in the aggregate principal amount not to exceed \$4,100,000 (the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters II.9 and 12 (collectively, 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 or 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 an issuer and a corporate trustee; and

WHEREAS, a representative of Herff Jones, Inc. (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, construction, installation and equipping of a building containing approximately 69,000 square feet to be located at 4500 West 62nd Street, Indianapolis, Marion County, Indiana on approximately 3 acres of land which will be used primarily for the manufacturing of high school and college class rings, medals, awards and commercial recognition products; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition of the Project by issuing its Tax-Exempt Adjustable Mode Economic Development Revenue Bonds (Herff Jones, Inc. Project) Series 1994, in the aggregate principal amount not to exceed \$4,100,000 (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on March 10, 1994 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Indenture of Trust (the "Indenture") dated as of March 1, 1994 by and between the Issuer, First Citizens Bank & Trust Company, and Bank One, Indianapolis, NA, as Co-Trustees (the "Co-Trustees") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of March 1, 1994, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

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WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, Indenture, Placement Agreement, Preliminary Private Placement Memorandum, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the 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 presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Four Million One Hundred Thousand Dollars (\$4,100,000) 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 Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Preliminary Private Placement Memorandum 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. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Private Placement Memorandum is hereby authorized to certify to Wachovia Bank of Georgia, National Association (the "Placement Agent") that the information in the Preliminary Private Placement Memorandum with respect to the Issuer is deemed to be final as stated above prior to the distribution of the Preliminary Private Placement Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest as set forth in the Financing Documents. The use of a Final Private Placement Memorandum in substantially the same form as the Preliminary Private Placement Memorandum approved herein are each approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the 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 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. 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 Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special 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 Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 136, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 136, 1994 on March 21, 1994. The proposal is an inducement resolution for EPI Printers, Inc. in an amount not to exceed \$6,500,000 for the acquisition, construction and equipping of an approximately 33,500 square foot manufacturing facility to be used in EPI's printing business (7340 East 68th Street, District #4). 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 Dowden, for adoption. Proposal No. 136, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Beadling, Williams

Proposal No. 136, 1994 was retitled SPECIAL RESOLUTION NO. 20, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 1994

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 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, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company;

WHEREAS, EPI Printers, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, installation and equipping of an approximately 33,500 square foot building to be located at 7340 East 68th Street, Indianapolis, Indiana on approximately 4.99 acres of land which will be used by the Applicant in its printing business; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (sixty-eight (68) jobs at the end of one year and seventy-seven (77) at the end of three years plus the creation of a construction job payroll) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, the acquisition, construction, installation and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; NOW, THEREFORE:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) under the Act

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to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires September 30, 1994, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (TD 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

Councillor Short recognized the former mayor of Beech Grove Elton Geshwiler.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 130, 1994. This proposal is a rezoning ordinance for certain property in Washington Township, located at 7990 Castleton Road. The proposal requests the rezoning of 18.422 acres from a I-2-S district to a C-5 classification to provide for a family entertainment center. Proposal No. 130, 1994 was certified by the Metropolitan Development Commission on February 23, 1994. On February 28, 1994 Councillor Dowden moved to schedule Proposal No. 130, 1994 for a public hearing on March 21, 1994. This motion passed by unanimous voice vote.

The President said that Robert Elrod, General Counsel, advised him that a preliminary conference was held with the petitioners' and the remonstrators' attorneys on March 15, 1994 and there was no resolution of the matter at that time.

Councillor Dowden stated that this rezoning involves commercial development in the highly congested Castleton area. This matter was adopted and approved by the Metropolitan Development Commission by a narrow margin of 4-3.

Brian J. Tuohy stated that he is the attorney for the petitioner Russ Wurster and M & R Partnership. This property has been for sale for five years and has never been developed. Mr. Wurster plans to build a family amusement center called Greattimes at this location and will invest \$5 million in the project. Mr. Wurster already has a Greattimes amusement center in Beech Grove. Mr. Tuohy said that there has to be a concern over traffic with any new development in Castleton. In a memo dated January 4, Ron Griewe, traffic engineer for the City, said "...the proposed development zoning plan is not a transportation issue." Mr. Wurster has agreed to pay half the cost of repaving and widening Castleton Road. Mr. Tuohy said that the remonstrators were concerned about pedestrian traffic and that there are no sidewalks. Mr. Tuohy stated that the petitioner does not believe there will be pedestrian traffic because no one lives close to this site and people who go into Castleton drive their cars. Mr. Wurster has agreed to limit the use of the site to only a family entertainment center. Mr. Tuohy said he wanted to read into the record a portion of a letter from J. Warner Wiley, Mayor of Beech Grove. This letter, dated March 18, 1994, reads "...I have personally seen GREATTIMES in operation and believe this facility is an asset to the Beech Grove Community. To date, our office has not received any complaints regarding traffic or security problems with regard to GREATTIMES. GREATTIMES has become a place for family outings in our Community. I believe GREATTIMES would also be an asset to the northeast side of Indianapolis." Mr. Tuohy asked for the Council's support for this petition.

Sgt. Larry Jones, Marion County Sheriff's Department, stated that he works as security for Greattimes in Beech Grove and that there have been no security problems with gangs at that center.

Elton Geshwiler, former mayor of Beech Grove, stated that he has known the petitioner for twenty years and could recommend him highly. His business enterprises in the City of Beech Grove have been assets to the area.

Wilson Stober stated that he is the attorney for the remonstrators who are a group of business persons located on Castleton Road. This is not a case where it is a question whether Mr. Wurster is a capable operator of an amusement park or whether an amusement park is a good thing. Mr. Stober said that this is a case that strongly questions whether the location proposed by the petitioner is a good and adequate location for an amusement park. The issue is whether business and industry, such as Wheaton Van Lines, can rely on the zoning plans which are in place. It is important to note that the location of this proposed amusement park is landlocked and people cannot get there by any route other than Castleton Road. Castleton Road is a narrow, dead-end, local street which cannot bear the traffic which is on it today. There is bus service in Castleton and there will be children walking down that road to get to the amusement park. There is no median cut on 82nd Street and Castleton Road so anyone traveling west on 82nd Street cannot turn left onto Castleton Road. Similarly when exiting onto 82nd Street traffic cannot turn west because there is no cut in the median. Mr. Stober said that Wheaton Van Lines' image is as vitally important to it as it is of any major business, and it cannot exist next to an amusement park.

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Steve Burns, chairman of Wheaton Van Lines, stated that he is a representative, not only of Wheaton Van Lines, but for all the businesses along Castleton Road and, in his opinion, for those people who live, work and shop in the Castleton area. Castleton is a highly congested area and the location of an amusement park in the area will add to the traffic gridlock. Castleton's Fire Chief Jerry Whittaker and his assistant chief and fire marshall are opposed to this amusement park because of the public safety risks, as are Lawrence Township Trustee Carl Specter and Mayor Steve Goldsmith. Mr. Burns said that by Sheriff Deputy Jones' own admission gangs go to Greattimes in Beech Grove, and no one has control over what they do. With no sidewalks and no lighting they will wander the neighborhood day and night. Mr. Burns said that his board of directors has indicated to him by a unanimous vote that if an amusement park is established, he is authorized to look for another location for Wheaton Van Lines. He said a week ago he indicated to Mr. Tuohy that Wheaton Van Lines would like to buy this property, but Mr. Tuohy said that Mr. Wurster liked that particular site for his amusement center. Mr. Burns said that the only way that Wheaton Van Lines can stay on Castleton Road is if the Council will vote against this project.

Jim Sales, director of Castle Knoll Farms Homeowners Association, said that he opposes the rezoning because the amusement park will draw more people into Castleton and more traffic.

John Sebring, chief of Northeast Security, said that his main goal is to provide a secure environment for Wheaton Van Lines. He sees the clientele in this area changing if the amusement park is established and jeopardizing this secure environment.

Mr. Tuohy stated that there are two roads leading into the site--Castleton Road and Bash Road. He said that this is an opportunity to improve on a vacant piece of real estate which will generate income into this community.

Dick Kraege, colleague of Wilson Stober, said that this rezoning request is incompatible with the Lawrence Township Comprehensive Plan which was adopted in 1992. It is opposed by Castleton East Civic Organization and Castle Knoll Farms Homeowners Association. The Department of Metropolitan Development's staff recommended denial of the petition. There needs to be orderly development in this community--industrial development where industrial development is suppose to be. There is a much more compelling interest to keep Wheaton Van Lines in this location than to have a place to play miniature golf.

Councillor Smith asked Mr. Tuohy to describe the work force for Greattimes and the amount of payroll. Mr. Tuohy replied that there will be approximately 70 to 80 full- and part-time employees and the payroll would amount to \$35,000 to \$45,000 a month.

Councillor Beadling stated that she works in Castleton and the traffic is usually a gridlock. She said Greattimes is a great amusement center but she would like to see it at another location--perhaps along Pendleton Pike. She also expressed her concern over children walking to the amusement park.

Councillor Franklin stated that 82nd Street in Castleton is probably the busiest in Indianapolis. He said that he will not be able to support the rezoning of this property for an amusement park.

Councillor Golc asked if this rezoning dispute is negotiable. Mr. Stober said that an amusement park is not compatible with the other businesses along Castleton Road.

Councillor Dowden said that this amusement park will definitely add to the traffic congestion in Castleton. Wheaton Van Lines has been a good corporate citizen and its future should be a primary concern to this Council along with the other businesses in that area. He urged the Councillors to vote not to support the Metropolitan Development Commission's recommendation.

The President reminded the Councillors that to sustain the lower body will take 12 green votes; to reject the lower body will take 18 red votes. The Metropolitan Development Commission's decision was sustained and Proposal No. 130, 1994 was adopted by the following roll call vote; viz:

12 YEAS: Black, Boyd, Brents, Gilmer, Golc, Gray, Jimison, Jones, Mullin, Schneider, Short, Williams

17 NAYS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Hinkle, McClamroch, Moriarty Adams, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

Proposal No. 130, 1994 was retitled REZONING ORDINANCE NO. 37, 1994 and is identified as follows:

REZONING ORDINANCE NO. 37, 1994. 93-Z-157 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 4.
7990 CASTLETON ROAD (approximate address), INDIANAPOLIS.
M & R PARTNERSHIP, by Brian J. Tuohy, requests the rezoning of 18.422 acres, being in the I-2-S District, to the C-5 classification to provide for a family entertainment center.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 137, 1994. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the Mayor to submit an application to the Indiana Housing Finance Authority for HOME Investment Funding on behalf of the Center Township Trustee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 138, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the leasing of farmland on Marion County Healthcare Center property by the Board of County Commissioners"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 139, 1994. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$173,257 for the County Recorder to purchase additional terminals and upgrade computer system"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 140, 1994. Introduced by Councillors O'Dell and Gray. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION providing Council endorsement and support for the City's Youth Fair Chance Demonstration Project Proposal"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 141, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Daniel T. Kozlowski as Director of the Department of Metropolitan Development"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 142, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Phyllis Carr to the Urban Enterprise Association"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 143, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE approving transfer of certain territory located at 4000 9th Avenue from the Consolidated City of Indianapolis to the City of Beech Grove"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 144, 1994. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE recodifying and amending the Code, Division 1, Article IV, Chapter 8, Buildings and Construction"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 145, 1994. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Leon E. Younger as Director of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 146, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Michael E. Beaver as Director of the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 147, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing David W. Hamilton to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 148, 1994. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$15,444 for the Presiding Judge of the Municipal Court to replace equipment taken through creation of the new Public Defender Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 149, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$2,500 for the Superior Court, Criminal Division, Room Five, to cover 1994 maintenance agreement costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 150, 1994. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$24,000 for the Prosecuting Attorney to utilize a state grant to organize a series of anti-gang training workshops for law

enforcement agencies sponsored by Project COURAGE"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 151, 1994. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$75,000 for the Prosecuting Attorney to conduct a comprehensive traffic safety program in Marion County funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 152, 1994. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$24,500 for the Prosecuting Attorney to utilize a state grant to conduct a study to determine if racial disparity exists in the adult and juvenile criminal justice systems in Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 153, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$98,296 for the Superior Court, Juvenile Division/Detention Center, to pay the first year of a three year lease/purchase arrangement with the Indiana Bond Bank for a computer upgrade"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 154, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$24,091 for the Superior Court, Juvenile Division/Detention Center, to cover service charges on computers and to purchase one modem for the court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 155, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 156, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an agreement between the City of Indianapolis and the Town of Speedway for sewage transportation and treatment services"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 157, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an agreement between the City of Indianapolis and the City of Beech Grove to authorize Indianapolis to review and grant stormwater permits and enforce drainage regulation within the City of Beech Grove"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 158, 1994. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Joseph E. Loftus as Deputy Mayor and Director of the Department of Administration"; and the President referred it to the Rules and Public Policy Committee.

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PROPOSAL NO. 159, 1994. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Nancy Silvers as Deputy Mayor"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 160, 1994. Introduced by Councillors Short and Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning smoking restrictions in local governmental buildings"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 161, 1994. Introduced by Councillors SerVaas, Beadling, Borst, Coughenour, Curry, Franklin, Gilmer, McClamroch, O'Dell, Rhodes and Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code to clarify responsibility and establish procedures for re-allocation and reconstruction of space in the City-County Building"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 162, 1994. Introduced by Councillors SerVaas, Beadling, Borst, Coughenour, Curry, Franklin, Gilmer, McClamroch, O'Dell, Rhodes and Smith. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION designating the east and west wings of the City-County Building for court facilities and approving securing those wings from unauthorized access"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 163, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Greg L. Henneke as Director of the Department of Capital Asset Management"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 164, 1994. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for Arbor Wood subdivision (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 165, 1994. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Raymond Street and Beulah Avenue (District 17)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 166, 1994. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Alabama Street and 19th Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 167, 1994. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at New Jersey Street and 19th Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 168, 1994. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting a 35 mph speed limit for Tansel Road between Crawfordsville Road and Raceway Road (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 169, 1994. Introduced by Councillors Gilmer and Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a change in parking restrictions for Monument Circle and its Meridian Street and Market Street spokes (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 170, 1994. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the parking restrictions on segments of New York Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 171, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Glenda Smith to the Community Centers of Indianapolis Board"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 177, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Larry J. Barrett to the Beech Grove Economic Development Commission"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 178, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Charlotte MacBeth to the Juvenile Detention Center Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 179, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Ann Curry to the Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 192, 1994. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION affirming Council support for the Capital Improvements Board to proceed with a new downtown baseball stadium"; and the President referred it to the Rules and Public Policy Committee.

Councillor Short asked why Proposal No. 192, 1994 is referred to the Rules and Public Policy Committee instead of the Municipal Corporations Committee. The President replied that the Rules and Public Policy Committee was formed to consider all matters having to do with public policy and in particular for matters in which new bonds and new taxes were to be considered.

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Councillor Short asked Municipal Corporations Committee Chairman Schneider if he would have a problem if this proposal was referred to his Committee. Councillor Schneider replied that he will hear it if that is the wish of the Council. Councillor Short moved that Proposal No. 192, 1994 be assigned to the Municipal Corporations Committee. Councillor Shambaugh seconded this motion. This motion passed by the following roll call vote; viz:

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

Proposal No. 192, 1994 is referred to the Municipal Corporations Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 180-184, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 18, 1994." The Council did not schedule Proposal Nos. 180-184, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 180-184, 1994 were retitled REZONING ORDINANCE NOS. 26-30, 1994 and are identified as follows:

REZONING ORDINANCE NO. 26, 1994. 93-Z-175 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.
1201 NORTH DELAWARE STREET (approximate address), INDIANAPOLIS.
JEHOVAH'S WITNESS ASSEMBLY requests the rezoning of 0.90 acre, being in the D-8 District, to the SU-1 classification to provide for church uses.

REZONING ORDINANCE NO. 27, 1994. 94-Z-11 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 4.
7502 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.
GLENDALE PARTNERS, by Thomas Michael Quinn, requests the rezoning of 9.582 acres, being in the D-6II District, to the C-S classification to provide for office and neighborhood commercial uses.

REZONING ORDINANCE NO. 28, 1994. 94-Z-17 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.
502 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.
BARTON HOUSE CORPORATION and ESTATE OF MYRTLE L. HALL, by Richard L. Brown, request the rezoning of 1.82 acres, being in the I-3-U District, to the CBD-2 classification to provide for a mix of attached multi-family residential, office, retail and service uses.

REZONING ORDINANCE NO. 29, 1994. 94-Z-20 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.
640-644 EAST 10TH STREET (approximate address), INDIANAPOLIS.
DORIS E. WRIGHT requests the rezoning of 0.0827 acre, being in the D-10 District, to the D-8 classification to provide for residential use.

REZONING ORDINANCE NO. 30, 1994. 94-Z-21 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 5.
10603 PENDLETON PIKE (approximate address), LAWRENCE.
SANDERS DEVELOPMENT GROUP, INC., by Thomas Michael Quinn, requests the rezoning of 15.29 acres, being in the D-A, D-5II, and C-1 Districts, to the C-4 classification to provide for commercial use.

PROPOSAL NOS. 185-191, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 18, 1994."

Councillor Rhodes made the following motion:

Mr. President:

I move that Proposal No. 191, 1994 (Rezoning Petition No. 94-Z-30 be scheduled for a hearing before this Council at its next regular meeting on April 11, 1994 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

This motion passed by unanimous voice vote. Proposal No. 191, 1994 is identified as follows:

94-Z-30 WASHINGTON TOWNSHIP. COUNCILMANIC DISTRICT # 7.
6219 GUILFORD AVENUE (approximate address), INDIANAPOLIS.
INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY, by Daniel B. Altman, requests the rezoning of 0.29 acre, being in the D-5 District, to the C-S classification to provide for permitted C-3C District uses (except for eating place or any type of restaurant).

The Council did not schedule Proposal Nos. 185-190, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 185-190, 1994 were retitled REZONING ORDINANCE NOS. 31-36, 1994 and are identified as follows:

REZONING ORDINANCE NO. 31, 1994. 94-Z-12 (Amended) PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 20.
7418-7420 MADISON AVENUE (approximate address), INDIANAPOLIS.
THOMAS J. METZLER, by William F. LeMond, requests the rezoning of 3 acres, being in the D-A District, to the C-S classification to provide for the installation of mini-warehouse facilities to the rear of an existing hobby shop and bakery shop.

REZONING ORDINANCE NO. 32, 1994. 94-Z-16 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.
511 SOUTH TIBBS AVENUE (approximate address), INDIANAPOLIS.
TANK ENVIRONMENTAL TECHNOLOGIES, by Joseph D. Calderon, request the rezoning of 2.4 acres, being in the D-5 District, to the I-2-S classification to provide for the construction of a small office, a facility for the storage of vehicles/equipment and minimal outside storage of equipment for an environmental contracting firm.

REZONING ORDINANCE NO. 33, 1994. 94-Z-24 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.
3977 WEST 10TH STREET (approximate address), INDIANAPOLIS.
ASPLUNDH TREE EXPERT CO., by Stephen D. Mears, requests the rezoning of 0.98 acre, being in the D-5 District, to the C-ID classification to provide for commercial and/or industrial uses.

REZONING ORDINANCE NO. 34, 1994. 94-Z-26 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 15.
12 NORTH RURAL STREET (approximate address), INDIANAPOLIS.
GOOD NEWS MISSION, INC., requests the rezoning of 0.1147 acre, being in the D-5 District, to the SU-7 classification to conform the existing charitable and philanthropic use with an appropriate zoning designation.

REZONING ORDINANCE NO. 35, 1994. 94-Z-28 (Corrected) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.
2236 & 2240 W. HOWARD ST. (approximate address), INDIANAPOLIS.
HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS, INC. requests the rezoning of 0.18 acre, being in the C-1 District, to the D-5 classification to provide for the construction of two single-family residences.

REZONING ORDINANCE NO. 36, 1994. 94-Z-29 (Corrected) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.
2201 & 2205 W. HOWARD ST. (approximate address), INDIANAPOLIS.
HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS, INC. requests the rezoning of 0.19 acre, being in the C-1 District, to the D-5 classification to provide for the construction of two single-family residences.

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SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 26, 1994. The proposal appropriates \$8,413 for the Superior Court, Criminal Division, Room Five, to fund an additional clerk's position. Councillor Dowden asked for consent to postpone Proposal No. 26, 1994 until April 11, 1994. Consent was given.

PROPOSAL NO. 71, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 71, 1994 on March 16, 1994. The proposal appropriates \$652,500 for the Department of Administration, Administrative Services Division, to finance the Neighborhood Revitalization Initiative program funded by private foundation grants. Councillor Rhodes said that this is a two-year program for neighborhood revitalization in seven neighborhoods. This program will include a neighborhood coordinator and a project fund for each neighborhood. It will also purchase training assistance from the Neighborhood Resource Center (NRC) and develop a data system. Councillor Rhodes said that the Committee was concerned about the future funding of this program after two years. Proposal No. 71, 1994 was amended in Committee to include the Patterson amendment, which states that the Council will not commit any tax funds once the grant funds are reduced or eliminated. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Curry asked who is responsible for paying and maintaining the data system. Charlene Hederick, Senior Executive Assistant, Mayor's Office, and Chief of Staff for Deputy Mayor Nancy Silvers, replied that the data link system component is a pilot that the City is trying to develop. It will be a software package to work with one particular neighborhood to see if it can be linked to other social service agencies in an attempt to better deliver services to the neighborhood. There is a specific amount of funding allocated for the program and when those dollars are gone the program will be eliminated.

Councillor Boyd asked if there is a formula for the distribution of funds to the targeted areas. Ms. Hederick responded that there is a specific amount of money set aside for each of the targeted neighborhoods to hire a neighborhood coordinator and there are funds available for neighborhood projects.

Councillor Boyd asked if the neighborhood projects have to be approved before they will be funded. Ms. Hederick responded that there is \$50,000 set aside per neighborhood for the funding of those projects. There is no formal approval process, but the City will work with the neighborhoods and will know what their projects are prior to disbursing the money.

Councillor Boyd asked who will hire the neighborhood coordinators. Ms. Hederick said that if the targeted neighborhoods want to take advantage of these funds, that they must come together under one umbrella group. The group will then develop a job description, advertise, and hire a neighborhood coordinator. Councillor Boyd asked if there had been any thought given to settling disagreements among the neighborhoods. Ms. Hederick said that the NRC is willing to help arbitrate any disagreements.

Councillor Golc asked what is the difference between the township administrator and the neighborhood coordinator. Ms. Hederick replied that the township administrator is responsible for the total township; the neighborhood coordinator is responsible for the

neighborhoods that make up a targeted area. The neighborhood coordinator acts as support staff to the neighborhood association and their leaders.

Councillor Williams said that several of these neighborhoods are in her Council district. This urban renewal has created absolutely unbelievable amounts of work on very busy people. The neighborhoods have let the City know that they need help. Councillor Williams said that she believes this program is very important and supports this proposal.

Councillor O'Dell asked how much will the neighborhood coordinator be paid. Ms. Hederick replied that the approximate salary for a coordinator will be \$24,000.

Councillor Hinkle asked if this pilot program is successful, how will the City pay for this once the grant runs out. James Steele, Jr., City Controller, said that at the end of the two-year program the Department of Metropolitan Development will have to make a decision. Perhaps there are existing programs that do not merit the funding levels that they are now receiving. If this program becomes a priority then it would be funded over some other program.

Councillor Borst asked what kind of complaints will the neighborhood coordinator follow up on. Ms. Hederick responded that the coordinator will follow up on whatever complaints the neighborhood asks them to. Councillor Borst asked what kind of projects will the coordinator manage. Ms. Hederick said that it depends on the neighborhoods. Two of the neighborhoods are considering community centers; one neighborhood wants to re-roof its neighborhood office; and one neighborhood wants to set up a youth program.

Councillor Borst said that he has a problem with this program. He said that he made a list of ten groups that do the very same things this program will be doing. Councillor Borst moved to postpone Proposal No. 71, 1994 until the next Council meeting. Councillor Dowden seconded the motion. Councillor Dowden said that he believes that if the City really wants to deliver these services to the neighborhoods it would be better to divide the funds among the twenty-five districts rather than creating another bureaucracy.

Councillor Smith said he believes the money would be better spent on the individual instead of the neighborhood. Ms. Hederick said that the appropriation is from grants to be used solely for this purpose and the City is not at liberty to reallocate the funds.

Councillor Gray stated that the neighborhoods are fully aware that this is grant money and it is a two-year program. He supports this proposal. Councillor Brents said that two of the targeted areas are in her district and she asked the Councillors to support the proposal. Councillor Short voiced his opposition to the Councillor Borst's motion to postpone and urged the Councillors to pass the proposal.

Councillor Jimison asked if there any plans to include additional neighborhoods which are excluded by this program. Ms. Hederick said that there are no plans at this time to include more neighborhoods.

Councillor Borst's motion to postpone Proposal No. 71, 1994 failed by the following roll call vote; viz:

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14 YEAS: Borst, Dowden, Giffin, Gilmer, Hinkle, Jimison, McClamroch, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Smith

15 NAYS: Beadling, Black, Boyd, Brents, Coughenour, Curry, Franklin, Golc, Gray, Jones, Moriarty Adams, Ruhmkorff, Short, West, Williams

Councillor McClamroch moved to end debate. This motion passed by unanimous voice vote.

The President called for public testimony at 10:59 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Brents, for adoption.

Proposal No. 71, 1994, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Black, Boyd, Brents, Coughenour, Franklin, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Short, West, Williams

14 NAYS: Beadling, Borst, Curry, Dowden, Giffin, Gilmer, Hinkle, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith

Councillors Boyd, O'Dell and Curry asked for consent to explain their votes. Consent was given. Councillor Boyd said that he wishes the Mayor had the respect to talk with this Council about what he is doing. The Mayor initiates programs and then the Council is painted as the "bad guys" because it is concerned about such mundane things as budgets and accountability.

Councillor O'Dell said that he voted against this proposal because of the high administrative cost of this program. Councillor Curry said that he voted against this proposal because he does not believe this pilot program knows where it is going.

Proposal No. 71, 1994, as amended, was retitled FISCAL ORDINANCE NO. 4, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Six Hundred Fifty-two Thousand Five Hundred Dollars (\$652,500) in the Consolidated County Fund for purposes of the Department of Administration, Administrative Services Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Administrative Services Division, to finance the Neighborhood Revitalization Initiative program funded by private foundation grants.

SECTION 2. The sum of Six Hundred Fifty-two Thousand Five Hundred Dollars (\$652,500) 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 appropriation is hereby approved:

DEPARTMENT OF ADMINISTRATION
ADMINISTRATIVE SERVICES DIVISION

3. Other Services and Charges
TOTAL INCREASE

CONSOLIDATED COUNTY FUND

\$652,500
\$652,500

SECTION 4. The said additional appropriation is funded by the following reduction:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>\$652,500</u>
TOTAL REDUCTION	<u>\$652,500</u>

SECTION 5. This City-County Council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor or the city controller, or both, are directed to notify the City-County Council in writing of such proposed loss of revenue.

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

PROPOSAL NO. 113, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 113, 1994 on March 2, 1994. The proposal appropriates \$66,000 for Metropolitan Emergency Communications Agency to fund shortfall in its 1994 budget caused by conversion from City to County payroll and to cover increase in data circuit charges. By a 6-0 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 11:03 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 113, 1994, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: *Giffin, Golc, Jimison, Moriarty Adams*

Proposal No. 113, 1994, as amended, was retitled FISCAL ORDINANCE NO. 5, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 72, 1993) appropriating an additional Sixty-six Thousand Dollars (\$66,000) in the Metropolitan Emergency Communications Agency (MECA) Fund for purposes of MECA and reducing the unappropriated and unencumbered balance in the MECA 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 MECA's annual budget, Section 1 of MECA's Annual Budget for 1994 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of MECA to fund shortfall in its 1994 budget caused by conversion from City to County payroll and to cover increase in data circuit charges.

SECTION 2. The sum of Sixty-six Thousand Dollars (\$66,000) 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>MECA</u>	<u>MECA FUND</u>
3. Other Services and Charges	<u>\$66,000</u>
TOTAL INCREASE	<u>\$66,000</u>

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

	<u>MECA FUND</u>
Unappropriated and Unencumbered	
MECA Fund	<u>\$66,000</u>
TOTAL REDUCTION	\$66,000

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

PROPOSAL NO. 114, 1994. The proposal appropriates \$19,138 for the Court Administrator Agency to defray the cost of the second and last phase of the construction project of its new offices. Councillor Dowden asked for consent to strike Proposal No. 114, 1994. Consent was given.

PROPOSAL NO. 115, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 115, 1994 on March 2, 1994. The proposal, sponsored by Councillor Borst, appropriates \$30,000 for Forensic Services Agency to cover supplies and equipment to train an Arab police examiner in DNA analysis funded by Abu Dhabi and deposited in the County General Fund last year. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 11:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 115, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 115, 1994 was retitled FISCAL ORDINANCE NO. 6, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Thirty Thousand Dollars (\$30,000) in the County General Fund for purposes of the Forensic Services Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (z) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to cover supplies and equipment to train an Arab police examiner in DNA analysis. The \$30,000 was provided by Abu Dhabi and deposited in the County General Fund last year.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) 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>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$20,000
3. Other Services and Charges	3,000
4. Capital Outlay	<u>7,000</u>
TOTAL INCREASE	\$30,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$30,000</u>
TOTAL REDUCTION	\$30,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 31, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 31, 1994 on March 16, 1994. The proposal amends Chapter 8½ of the Code concerning cable television. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 31, 1994 was adopted on the following roll call vote; viz:

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

1 NAY: Brents

1 NOT VOTING: Hinkle

Proposal No. 31, 1994 was retitled GENERAL ORDINANCE NO. 37, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 1994

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 8½ of the Code of Indianapolis and of Marion County, Indiana.

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

SECTION 1. Sec. 8½-41 be and is hereby amended by deleting the stricken-through text and adding the underlined text to read as follows:

Sec. 8½-41. Procedure for granting special cable franchises.

(a) Any person interested in operating only a limited cable system providing landlord restricted cable services, may in lieu of the procedures in Sec. 8½-21, apply for a special cable franchise by complying with this section.

(b) Any person interested in obtaining one or more special cable television franchises may apply to the board. The board shall prescribe the form of such application which shall require:

- (1) a diagram map showing the geographic area or areas for which the franchise is requested, and describing such areas with sufficient particularity as to enable a reasonable determination of the boundaries of such area and the proposed location of the facilities of the limited cable system;

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- (2) evidence that the applicant is either currently operating a limited cable system or has the financial, legal and technical qualifications to construct, operate and maintain a limited cable television system;
 - (3) evidence that the owner or manager of each multiple-unit dwelling to be served by the limited cable system has agreed to receive such service, which evidence may consist of a certification from such owner or manager certifying to the existence of a private cable service contract between such owner or manager and the applicant; ~~and a description of the property and stating the expiration date of the term of such private cable service contract;~~
 - (4) descriptions of the cable services to be provided subscribers, of any other services or uses of the system, and of the rate structure to be charged for such services upon the grant of the franchise;
 - (5) a designation of channel capacity for public, educational and governmental access, proposing either (i) interconnection with an operator currently franchised by the city or (ii) the facilities and capacity (which may consist of playback equipment) for providing subscribers with public, educational and governmental access programming substantially equivalent to that provided by other franchises; and
 - (6) an application fee of either three thousand dollars (\$3,000) if the applicant is not a current franchisee or one thousand five hundred dollars (\$1,500) if the applicant is a current holder of a special cable franchise; and
 - (7) the number of multiple dwelling units included in a proposed franchise area that are being served under private cable service contracts that expire in less than four years from the date of the franchise application.
- (c) An applicant for a special cable franchise may include in the application and a single franchise may be granted for more than one limited cable system in more than one geographic area within the city.
- (d) Upon the submission of the application and the application fee, the board shall publish notice of and hold a public hearing on the application within sixty (60) days of the receipt thereof. At the conclusion of the public hearing (which may be continued beyond the sixty (60) days with consent of the applicant), the board shall recommend to the city-county council to grant the special cable franchise if the following is established:
- (1) the applicant has the financial, legal and technical qualifications to operate the special cable system, provided that if at the time of its application, applicant is providing limited cable television service in all or part of the geographic area or areas to which its application applies such facts shall be evidence of such qualification;
 - (2) the grant of the special cable franchise will not have a material adverse effect on the economic ability of any other operator to fulfill any franchise obligation to assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides;
 - (3) the proposed facilities to be constructed under the franchise will not substantially and unreasonably interfere with current or planned uses of the public ways; and
 - (4) the application complies with the requirements of subsection (b).
- (e) In the event one or more of the requirements set forth in subsection (d) is not established, the board shall advise the city-county council that the application is denied. The applicant may within ten (10) days of such decision request the council committee to review such decision.
- (f) The board shall include in its recommendation written findings of fact on the requirements specified in subsection (d), and if its recommendation is to grant a franchise, a proposed franchise agreement which is consistent with the terms of the application and the requirements of this chapter. Such findings and proposed franchise agreement shall be approved by the board no later than the next monthly meeting of the board following the public hearing. The time for taking such action may be extended by the board with the consent of the applicant.
- (g) The board's recommendation to grant a special cable franchise shall be filed with the clerk and referred to the council committee responsible for cable franchising. At its first regularly scheduled meeting held more than ten (10) days following the receipt of such recommendation the committee shall determine whether it would be in the public interest to recommend the issuance of the special cable franchise, and cause to be

introduced to the council an ordinance or resolution which would confirm such determination and approve a franchise agreement.

(h) A final decision denying an application is subject to appeal in the same manner as the denial of a franchise under the Act.

SECTION 2. Section 8½-46 of the Code of Indianapolis and of Marion County, Indiana is amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 8½-46. Term of special cable franchise.

(a) A special cable franchise granted under this Chapter shall expire upon the date stated in the franchise agreement, subject to the renewal provisions of the Act and this Chapter.

(b) The geographic area of a special cable franchise shall be the separate limited cable service areas described in the franchise agreement including expansions approved under Sec. 8 1/2 - 45; provided, that ninety (90) days after a private cable service contract to serve a separate limited cable service area expires by its terms or is terminated, such area shall no longer be included in the geographic area of such franchise unless extended within such ninety (90) day period. Provided, however, if the termination of such private cable service contract is the result of foreclosure, bankruptcy or insolvency of the owner or manager of the multiple-unit dwellings served under such private cable service contract and such dwellings are being managed under judicial supervision, said ninety (90) day period shall be tolled until such dwellings are transferred to a new owner or manager. ~~At any time prior to the end of such ninety (90) day period, if the operator files with the board a certification by the owner or manager that the private cable service contract has been renewed or extended, specifying the new termination date, the separate limited service area shall remain within the franchise area.~~

(c) Whenever under the terms of subsection (b) a separate limited cable service area ceases to be within the geographic area of a special cable franchise, the operator within thirty (30) days shall certify to the executive secretary of the cable franchise board the description of such separate limited cable service area.

SECTION 3. Sec. 8½-6 of the Code of Indianapolis and of Marion County, Indiana is amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 8½-6. Franchise's not exclusive.

(a) The granting of a cable franchise shall not grant the operator any rights to exclude any other franchised operator from providing services within the geographic areas included in the cable franchise.

(b) Any agreement between the operator and the owner which restricts other franchised operators from providing services to the occupants of those units may be enforced only to the extent valid from time to time under applicable law. To the extent that such agreements may, at any time, become unenforceable under applicable law which applies to all franchise holders, the operator under a franchise shall take no action to enforce such exclusive rights.

(c) On or before January 1, 1997, the operator, under a franchise that is issued or renewed after May 1, 1994, shall file with the cable franchise board a list of all private cable service contracts which purport to grant operator an exclusive right to provide cable services to occupants of multiple dwelling units. Such list shall identify the owner or manager that made the agreement, the location of the units covered by the agreement, and the date the agreement expires. Thereafter, the operator shall file an amended or supplemental list within thirty days after any change in such information becomes known to operator.

(ed) To the extent that payments are made to the owner or manager of a multiple dwelling unit for exclusive rights to provide cable services within a multiple dwelling unit, such payments shall not be deemed a cost of providing service for purposes of establishing rates to be charged to consumers of the cable television services.

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

PROPOSAL NO. 112, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 112, 1994 on March 2, 1994. The proposal transfers and appropriates \$2,073,000 for the Department of Public Safety, Police Division, to consolidate 1994 cumulative capital funds in Character 04 to purchase police patrol

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vehicles. This appropriation will fund a proposed take-home car program which will allow 37% of Indianapolis Police Department (IPD) officers to take home marked cars. By a 3-0-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Jimison asked if the officers who will be taking these cars home live in the suburbs or in the city. James Toler, Chief, IPD, answered that the take-home cars will be distributed on a seniority basis; residency was not taken into consideration. Councillor Jimison said that she understands that this program has funding for about three years. She asked where will the funding come from to support this program after the three-year period. Danny Overley, Deputy Chief, IPD, stated that the funding for this program is from the City Cumulative Capital Development Fund and will be the same for 1997, 1998 and 1999 as it is for 1994, 1995 and 1996.

Councillor West stated that he believes there will be additional maintenance and operating expense incurred with this program and asked how it will be paid. Deputy Chief Overley responded that a survey was done in 1991 comparing 44 new vehicles of take-home and non take-home status. The operating cost for a fleet vehicle to be operated 24 hours a day was estimated to be \$8800 a year and in a like vehicle to be operated 8 hours a day was \$2800.

Councillor Smith said that he was in a take-home car program in the early 1970's. Crime dropped 14% the first month the program was instituted and the police morale went up immediately. He believes it would happen again with this program.

Councillor Gray stated that he has no problem with the take-home car program, but he will be interested to find out where these officers live and if the program will really help the situation in the police district where there is the most crime. Chief Toler said that most of the police officers do not live in the old police service district.

Councillor Coughenour said she does not think the take-home cars should be determined on seniority, but rather the cars should be issued to officers who live in high-crime areas.

Councillor Jones asked if there are any incentives for police officers to live in the old police district. Chief Toler said IPD does not offer that kind of incentive at this time.

Councillor Williams asked if the take-home cars are considered a fringe benefit. Deputy Chief Overley answered that has not been part of any negotiations that IPD has had in terms of benefit or salary with the Fraternal Order of Police. Councillor Williams said that she would be an advocate of giving home ownership incentives to officers to come back and live in the city. Chief Toler said that he would assign someone from his department to take the initiative to get that program started.

Councillor Dowden moved to amend Proposal No. 112, 1994 by renumbering Section 5 as Section 6 and adding a new Section 5 to read as follows:

SECTION 5. The director of Public Safety is directed not to place in service the last one hundred thirty (130) patrol cars purchased with this appropriation until this Council by resolution approves the assignment of such vehicles.

Councillor Moriarty Adams asked for consent to abstain from voting both on the amendment and the proposal because of the appearance of a possible conflict. Consent was given.

Councillor Dowden's motion passed by unanimous voice vote.

Proposal No. 112, 1994, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Gray, Moriarty Adams*

Councillor Beadling stated that she believes the take-home program would benefit all of Marion County, not just certain areas. Councillor Franklin said he agrees with Councillor Beadling, but there is more crime in some neighborhoods than others.

Proposal No. 112, 1994, as amended, was retitled FISCAL ORDINANCE NO. 7, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Million Seventy-three Thousand Dollars (\$2,073,000) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Police Division, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (m) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to consolidate 1994 cumulative capital funds in Character 04 to allow application of funds to purchase police patrol vehicles.

SECTION 2. The sum of Two Million Seventy-three Thousand Dollars (\$2,073,000) 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:

DEPARTMENT OF PUBLIC SAFETY	
<u>POLICE DIVISION</u>	
4. Capital Outlay	<u>\$2,073,000</u>
TOTAL INCREASE	<u>\$2,073,000</u>

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

DEPARTMENT OF PUBLIC SAFETY	
<u>POLICE DIVISION</u>	
3. Other Services and Charges	<u>\$2,073,000</u>
TOTAL REDUCTION	<u>\$2,073,000</u>

SECTION 5. The director of public safety is directed not to place in service the last one hundred thirty (130) patrol cars purchased with this appropriation until this Council by resolution approves the assignment of such vehicles.

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

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PROPOSAL NO. 116, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 116, 1994 on March 2, 1994. The proposal amends the Code by updating the county corrections fund. 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 Curry, for adoption. Proposal No. 116, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Beadling, Giffin, Ruhmkorff*

Proposal No. 116, 1994 was retitled GENERAL ORDINANCE NO. 38, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1994

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Sec. 2-358, of Article IX, Chapter 2.

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

SECTION 1. Sec. 2-358 of Article IX, Chapter 2 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words stricken-through as follows:

Sec. 2-358. County corrections fund.

(a) The city-county council hereby elects to receive deposits from the department of corrections in accordance with IC 11-12-6.

(b) The city-county council hereby elects to receive such deposits at level 3 funding. Level 3 funding shall be equal to \$3,500 times 84 (Marion County base integer) or \$294,000 for the year ending April 30, ~~1994~~ 1995.

(c) There is hereby created a "county corrections fund", to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(d) The county corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities. Any money remaining in a county corrections fund at the end of the year does not revert to any other fund but remains in the county corrections fund.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance has not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions can, without the invalid provision or provision, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NOS. 118, 119, 120, 121, 122 and 123, 1994. Councillor Gilmer asked for consent to vote on these six transportation proposals together. Consent was given. PROPOSAL NO. 118, 1994. The proposal amends the Code authorizing intersection controls for Windcombe subdivision (District 2). PROPOSAL NO. 119, 1994. The proposal amends the Code by authorizing intersection controls for Quail Creek subdivision (District 24). PROPOSAL NO. 120, 1994. The proposal amends the Code by authorizing intersection controls for Lakeside Woods subdivision (District 1). PROPOSAL NO. 121, 1994. The proposal amends the Code by authorizing intersection controls for Admirals Sound subdivision (District 5). PROPOSAL NO. 122, 1994. The proposal amends the Code by authorizing intersection controls for the Brettonwood subdivision (Districts 1, 2). PROPOSAL NO. 123, 1994. The proposal amends the Code by authorizing intersection controls for Ashworth subdivision (District 1). Councillor Gilmer reported that the Capital Asset Management Committee heard these proposals on March 9, 1994. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal Nos. 118, 119, 120, 121, 122 and 123, 1994 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

Proposal No. 118, 1994 was retitled GENERAL ORDINANCE NO. 39, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 3	Forest Blvd & Windcombe Blvd	None	None
4, Pg. 3	Forest Ln & 78th St	None	None
4, Pg. 3	Forest Ln & 82nd St	None	None
4, Pg. 3	Forest Ln & 83rd St	None	None
4, Pg. 4	Kimlough Av & 79th St	None	None
4, Pg. 8	Windcombe Blvd & 79th St	None	None

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4, Pg. 8 Windcombe Blvd & 81st St Yield
81st St

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 3	Forest Blvd & Windcombe Blvd	Windcombe Blvd	Stop
4, Pg. 3	Forest Blvd SDR & Windcombe Blvd	Windcombe Blvd	Stop
4, Pg. 3	Forest Ln & 78th St	78th St	Stop
4, Pg. 3	Forest Ln & 79th St	79th St	Stop
4, Pg. 3	Forest Ln & 82nd St	82nd St	Stop
4, Pg. 3	Forest Ln & 83rd St	83rd St	Stop
4, Pg. 4	Kimlough Dr & 79th St	Kimlough Dr	Stop
4, Pg. 4	Windcombe Blvd & 79th St	Windcombe Blvd	Stop
4, Pg. 4	Windcombe Blvd & 81st St	81st St	Stop

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

Proposal No. 119, 1994 was retitled GENERAL ORDINANCE NO. 40, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40, Pg. 4	Fairhope Dr & Pheasant Dr	Fairhope Dr	Stop
40, Pg. 4	Fairhope Dr & Quail Creek Blvd	Quail Creek Blvd	Stop
40, Pg. 4	Pheasant Ct & Pheasant Dr	Pheasant Dr	Yield

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

Proposal No. 120, 1994 was retitled GENERAL ORDINANCE NO. 41, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 3	Lakeside Woods Ci, Lakeside Woods Dr	Lakeside Woods Ci	Stop
9, Pg. 3	Lakeside Woods Dr, 71st St	71st St	Stop
9, Pg. 3	Lakeside Woods Ci, Marsh Rd	Marsh Rd	Stop

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

Proposal No. 121, 1994 was retitled GENERAL ORDINANCE NO. 42, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 42, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
7, Pg. 1	Bay Breeze Ct, Bay Breeze Ln, & Woods Bay Ln	Woods Bay Ln	Stop
7, Pg. 1	Bay Breeze Ln & Old Stone Dr	Old Stone Dr	Stop
7, Pg. 1	Bay Tree Ct & Old Stone Dr	Old Stone Dr	Stop
7, Pg. 1	Calumet Dr & Old Stone Dr	Old Stone Dr	Stop
7, Pg. 1	Cloud Bay Ct & Woods Bay Ln	Woods Bay Ln	Yield

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7, Pg. 2	Fairport Ci & Keyharbor Dr	Keyharbor Dr	Stop
7, Pg. 3	Keyharbor Dr & Old Stone Dr	Old Stone Dr	Stop
7, Pg. 3	Keyharbor Dr & Manitou Ct	Keyharbor Dr	Yield
7, Pg. 3	Moon Bay Ci & Old Stone Dr	Old Stone Dr	Yield
7, Pg. 3	Nautical Watch Dr & Woods Bay Ln	Woods Bay Ln	Yield
7, Pg. 3	Old Stone Dr & Otter Cove Ci	Old Stone Dr	Stop
7, Pg. 3	Old Stone Dr & Woods Bay Ln (11500 E)	Old Stone Dr	Stop
7, Pg. 3	Old Stone Dr & Woods Bay Ln (11000 E)	Woods Bay Ln	Stop
7, Pg. 3	Old Stone Dr & Sturgeon Bay Ln	Old Stone Dr	Stop
7, Pg. 3	Sawmill Ct & Woods Bay Ln	Woods Bay Ln	Yield
7, Pg. 4	Serpent Ci & Woods Bay Ln	Woods Bay Ln	Stop
7, Pg. 4	Spider Bay Ct & Woods Bay Ln	Woods Bay Ln	Yield

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

Proposal No. 122, 1994 was retitled GENERAL ORDINANCE NO. 43, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10, Pg. 1	Bretton Ci & Brotherwood Ct	Bretton Ci	Yield
10, Pg. 1	Bretton Ci & Wander Wood	Bretton Ci	Yield
10, Pg. 1	Bretton Wood Dr & Pondview Ct	Bretton Wood Dr	Yield

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

Proposal No. 123, 1994 was retitled GENERAL ORDINANCE NO. 44, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1, Pg. 1	Greenridge Dr & Residence Dr	Greenridge Dr	Stop
1, Pg. 1	Greenridge Dr & Waterside Dr	Greenridge Dr	Stop
1, Pg. 1	Greenridge Dr & Worthington Ct	Greenridge Dr	Stop
1, Pg. 1	Greenridge Dr & 86th St	86th St	Stop
1, Pg. 2	Leppart Ct & Shamel Dr	Shamel Dr	Stop
1, Pg. 2	Modesto Ct & Shamel Dr	Shamel Dr	Stop
1, Pg. 2	Waterside Ct & Waterside Dr	Waterside Dr	Yield
1, Pg. 2	Worthington Ci & Worthington Ct	Worthington Ct	Yield

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

PROPOSAL NOS. 124, 125, 126 and 127, 1994. Councillor Gilmer asked for consent to vote on these four transportation proposals together. Consent was given. PROPOSAL NO. 124, 1994. The proposal amends the Code by authorizing a multi-way stop at High School Road and 52nd Street (District 1). PROPOSAL NO. 125, 1994. The proposal amends the Code by authorizing a traffic signal at Moller Way and Pike Plaza Road (District 9). PROPOSAL NO. 126, 1994. The proposal amends the Code by authorizing a multi-way stop at Cumberland Road, Muessing Street, and 10th Street (Districts 12, 13). PROPOSAL NO. 127, 1994. The proposal amends the Code by authorizing a loading zone on Indiana Avenue for Forest McGinnis Interiors, Inc. (District 16). Councillor Gilmer reported that the Capital Asset Management Committee heard these proposals on, March 9, 1994. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Gray, for adoption. Proposal Nos. 124, 125, 126 and 127, 1994 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

Proposal No. 124, 1994 was retitled GENERAL ORDINANCE NO. 45, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16, Pg. 7	High School Rd & 52nd St	None	All Way Stop

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

Proposal No. 125, 1994 was retitled GENERAL ORDINANCE NO. 46, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16, Pg. 9	Moller Wy & Pike Plaza Rd	Pike Plaza Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16, Pg. 9	Moller Wy & Pike Plaza Rd	None	Signal

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

Proposal No. 126, 1994 was retitled GENERAL ORDINANCE NO. 47, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 1994

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28, Pg. 1	Cumberland Rd, Muessing St & 10th St	Cumberland Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28, Pg. 1	Cumberland Rd, Muessing St & 10th St	None	All Way Stop

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

Proposal No. 127, 1994 was retitled GENERAL ORDINANCE NO. 48, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-331, Passenger and material loading zones.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-331, Passenger and material loading zones, be, and the same is hereby amended by the deletion of the following, to wit:

Indiana Avenue, on the westside, from a point 98 feet northwest of Michigan Street, to a point 133 feet north from Michigan Street

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

ANNOUNCEMENTS AND ADJOURNMENT

Robert Elrod, General Counsel, read the following announcement:

This Council will hold a public hearing on Rezoning Petition No. 94-Z-30, Council Proposal No. 191, 1994, at its next regular meeting on April 11, 1994, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 0.29 acre at 6219 Guilford Avenue from D-5 to C-S to provide for permitted C-3C District uses (except for eating place or any type of restaurant).

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Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

Councillor Boyd stated that he has been asked to offer the following motion for adjournment by:

- (1) Councillor Beadling in memory of Jacob Miller;
- (2) Councillor Smith in memory of John H. Root;
- (3) Councillor Boyd in memory of Louise Hern Green Waugh;
- (4) Councillor Franklin in memory of Charles Bernard Dinwiddie, Sr.; and
- (4) Councillors Boyd, McClamroch and SerVaas in memory of Raymond R. Ryder.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Jacob Miller, John H. Root, Louise Hern Green Waugh, Charles Bernard Dinwiddie, Sr., and Raymond R. Ryder. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:50 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 21st day of March 1994.

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



President

ATTEST:



Acting Clerk of the Council

(SEAL)