

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 3, 1997**

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 7:07 p.m. on Monday, February 3, 1997, with Councillor SerVaas presiding.

Councillor Bradford introduced the minister of Colonial Hills Baptist Church, Pastor Bob Taylor, who led the opening prayer. Councillor Bradford then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

29 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford introduced Washington Township Constable John Logsdon and his wife, Sarah. Councillor Cockrum introduced his wife, Mary. Councillor Coughenour recognized friend Ann Anderson.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the 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, February 3, 1997, 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

January 27, 1997

TO THE HONORABLE PRESIDENT AND 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:

I have this day with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances:

FISCAL ORDINANCE NO. 1, 1997 - an appropriation of \$36,000 for the Forensic Services Agency to purchase DRUGFIRE computer equipment funded by a federal grant

FISCAL ORDINANCE NO. 2, 1997 - an appropriation of \$151,000 for the Forensic Services Agency to continue the transition of DNA technologies funded by a federal grant

FISCAL ORDINANCE NO. 3, 1997 - an additional appropriation of \$34,212 in the State and Federal Grants Fund for the Marion Superior Court for Teen Court

FISCAL ORDINANCE NO. 4, 1997 - an additional appropriation of \$16,881 in the State and Federal Grants Fund for the County Sheriff to pay salaries of deputies assigned to the FBI Task Force Program, Violent Crimes and Fugitive Task Force

FISCAL ORDINANCE NO. 5, 1997 - an additional appropriation of \$25,322 in the State and Federal Grants Fund for the County Sheriff to pay the salaries of deputies assigned to the FBI Task Force Program

FISCAL ORDINANCE NO. 6, 1997 - an additional appropriation of \$27,956 in the County General Fund for the Franklin Township Assessor to upgrade salaries of deputy assessors

GENERAL ORDINANCE NO. 2, 1997 - authorizes a traffic signal at Mann Road and Mooresville Road (District 19)

GENERAL ORDINANCE NO. 3, 1997 - authorizes a traffic signal at 86th Street and Greenways Trail (1410E) (Districts 2, 3)

GENERAL ORDINANCE NO. 4, 1997 - authorizes an 82-foot loading zone on Meridian Street near Maryland Street (District 16)

GENERAL ORDINANCE NO. 5, 1997 - authorizes a traffic signal at Hague Road and Castlegate Drive (District 4)

GENERAL ORDINANCE NO. 6, 1997 - authorizes a pedestrian activated traffic signal at Alabama Street and South Street (District 16)

GENERAL ORDINANCE NO. 7, 1997 - authorizes the removal of the traffic signal located at Kelly Street and Shelby Street (Districts 20, 21)

GENERAL ORDINANCE NO. 8, 1997 - authorizes intersection controls for the Decatur Commons Subdivision, Section 2 (District 19)

GENERAL ORDINANCE NO. 9, 1997 - authorizes a multi-way stop at Southwest Drive and Tucson Drive (District 19)

GENERAL ORDINANCE NO. 10, 1997 - authorizes a multi-way stop at Olney Street and Roosevelt Avenue (District 10)

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GENERAL ORDINANCE NO. 11, 1997 - authorizes a multi-way stop at Layman Avenue and 17th Street (District 12)

GENERAL ORDINANCE NO. 12, 1997 - authorizes a multi-way stop at Lesley Avenue and 17th Street (District 12)

GENERAL ORDINANCE NO. 13, 1997 - authorizes parking restrictions and a change in parking meter zones on Illinois Street between South Street and Union Station (District 16)

GENERAL ORDINANCE NO. 14, 1997 - authorizes parking restrictions on the north side of McCarty Street from a point 160 feet west of West Street to a point 840 feet west of West Street (District 16)

GENERAL ORDINANCE NO. 15, 1997 - authorizes parking restrictions on Powell Street from Madison Avenue to 300 feet east of Madison Avenue (District 20)

GENERAL ORDINANCE NO. 16, 1997 - authorizes parking restrictions on Parker Avenue from 56th Street to a point 100 feet north of 56th Street (District 7)

GENERAL ORDINANCE NO. 17, 1997 - authorizes parking restrictions on 19th Street on the south side from College Avenue to a point 70 feet west of College Avenue (District 22)

GENERAL ORDINANCE NO. 18, 1997 - authorizes a multi-way stop at Old Stone Drive and Woods Bay Lane (District 5)

SPECIAL ORDINANCE NO. 1, 1997 - amends the American and Comcast cable service franchise agreements so that the Eagle Creek Firearms Range can receive institutional network services

SPECIAL RESOLUTION NO. 3, 1997 - congratulates the state champion Cathedral High School football team

SPECIAL RESOLUTION NO. 4, 1997 - recognizes the public service of Judge John R. "Jack" Barney

SPECIAL RESOLUTION NO. 5, 1997 - recognizes the public service of Sue Beesley

SPECIAL RESOLUTION NO. 6, 1997 - approves amendments to the Marion County Police Department Personnel Retirement Plan now the Marion County Sheriff's Department Personnel Retirement Plan

Respectfully,
s/Stephen Goldsmith, Mayor

January 22, 1997

TO THE HONORABLE PRESIDENT AND 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:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, January 22, 1997, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, January 23, 1997, a copy of a Notice of Public Hearing on Proposal Nos. 35, 38, and 39, 1997, said hearing to be held on Monday, February 3, 1997, at 7:00 p.m. in the City-County Building.

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

Councillor Borst introduced John Hall, the City's new Deputy Mayor. Mr. Hall stated that he is looking forward to working with the City and with the Council.

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 21, 1997. There being no additions or corrections, the minutes were approved as distributed.

Councillor Bradford presented the following prepared remarks:

Fellow Councillors, a matter of grave concern has come to my attention that affects my district adversely.

On Monday, January 27, at 6:30 a.m., I opened my *Indianapolis Star* to read in the City/State section that left turns were to be restricted on North Meridian Street. The Indiana Department of Transportation (IDOT) had conducted a study of accidents on North Meridian Street. I was shocked to see that this study led to the permanent banning of all traffic light left turns north of 46th Street from north and south bound traffic on historic Meridian. Also to my amazement, left turns off Meridian were restricted down every street from 39th Street to 59th Street Monday through Friday. The only exception to this policy north of 38th Street is on 46th Street, which just so happens to be in front of the Governor's mansion.

To my dismay, as a member of the Council's Capital Assets Management Committee, we on the committee and its Chairman, Gordon Gilmer, were never informed or consulted. I immediately called IDOT and voiced my concerns. I contacted Governor O'Bannon's office and was told to call Carole Coffman and Michael Bowman of IDOT. Ms. Coffman indicated that IDOT met with the Meridian Street Foundation, where IDOT heard the Foundation's concerns regarding traffic on Meridian Street. I asked her if other neighborhood associations like Meridian Kessler, Meridian Kessler Terrace, Broad Ripple Village Association, Warleigh, and any of the affected businesses on 56th and Illinois had been consulted. She said no. This is truly an outrage!

I was swamped with phone calls from constituents and businesses who were furious at this unilateral decision. I contacted the Governor's office again, and pleaded with them to rescind this decree. The Governor's office suggested that nothing could be done at this point.

Only someone who lives in this area can understand the repercussions of this policy. I have received calls from people who now can only get to their homes, businesses, churches, and schools off Meridian if they take an extremely inconvenient detour through private neighborhoods. And when did IDOT decide to put up these signs? During one of the most hazardous weather periods, which makes these additional treks more difficult and dangerous. The traffic flow will only become faster and will benefit only those living in Hamilton, Tipton, and Howard counties. Isn't it amazing that the only residents consulted by the State have homes not affected by this policy.

One of the many calls I received was by a Mrs. Julie Anderson, who has lived in the Butler Tarkington neighborhood for the past 46 years. She called me and was very upset, and asked how she was now going to navigate her drive to and from home.

Comments in the *Indianapolis Star*, attributed to me, compare the no-left-turn policy on Meridian Street to the building of a Berlin Wall down the middle of my district. Well, my friends, for those who live in that area, it might as well be a wall. For those trying to get to and from work, soccer practice, or even to a nearby business in my district, this decree will make their lives miserable.

I am reminded of what Ronald Reagan said when he stood on June 12, 1987, at the Brandenburg Gate, where tens of thousands of Berliners were gathered: "Behind me stands a wall that encircles the free sectors of this city.... Farther south there may be no visible, no obvious wall...still a restriction on the right to travel, still an instrument to impose upon ordinary men and women the will of the Totalitarian State." He then said to General Secretary Gorbachev, "If you seek peace and prosperity for the Soviet Union.... Mr. Gorbachev, tear down this wall!"

Therefore, tonight I say to Governor O'Bannon, if you seek peace and prosperity for the north side of Indianapolis, lift the no-left-turn policy on Meridian Street immediately and tear down this wall!

The President stated that he has conferred with Councillor Gilmer, who has agreed to invite parties from the State involved in this decision to the February 19, 1997 meeting of the Capital Asset Management Committee.

Councillor Black stated that he had five calls regarding this restriction in a half-hour time period. Councillor Williams stated that possibly the Department of Capital Asset Management (DCAM) staff could meet with State staff before this February 19th meeting in order to communicate reasons and resolutions for this decision. The President stated that he has suggested this to Greg Henneke, Director of DCAM. Councillor Gilmer stated that he will ask the Chief Engineer of IDOT to attend the February 19th meeting, and that there is no indication that any input was solicited from the City regarding this decision.

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

PROPOSAL NO. 789, 1996. The proposal, introduced by Councillor McClamroch, appoints Charles B. Huppert to the Indianapolis Greenways Development Committee. On January 22, 1997, by a 5-0 vote, the Parks and Recreation Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Dowden, for adoption. Proposal No. 789, 1996 was adopted by a unanimous voice vote.

Proposal No. 789, 1996 was retitled COUNCIL RESOLUTION NO. 7, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 1997

A COUNCIL RESOLUTION appoints Charles B. Huppert to the Indianapolis Greenways Development 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 Indianapolis Greenways Development Committee, the Council appoints:

Charles B. Huppert

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1999. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 820, 1996. The proposal, sponsored by Councillor McClamroch, appoints Monty Combs to the Board of Directors of Community Centers of Indianapolis, Inc. On January 22, 1997, by a 7-0 vote, the Community Affairs Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams stated that she understood the Council no longer had any appointments to the Community Centers of Indianapolis (CCOI) Board. Councillor Franklin stated that when CCOI reorganized their charter and Board of Directors based on recommendations from an internal management audit, the mayoral and Council appointees to the Board of Directors were

inadvertently omitted. He stated that an officer of the CCOI was present at the January 22nd Committee meeting and agreed to re-create these appointed positions on the Board.

Councillor McClamroch moved, seconded by Councillor Cockrum, for adoption. Proposal No. 820, 1996 was adopted by a unanimous voice vote.

Proposal No. 820, 1996 was retitled COUNCIL RESOLUTION NO. 8, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 1997

A COUNCIL RESOLUTION appointing Monty Combs to the Board of Directors of Community Centers of Indianapolis, 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 Board of Directors of Community Centers of Indianapolis, Inc., the Council appoints:

Monty Combs

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1997. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 36, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 36, 1997 on January 29, 1997. The proposal is a reconfirmation of David Cook as Marion County Chief Public Defender. 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 Smith, for adoption. Proposal No. 36, 1997 was adopted by a unanimous voice vote.

Proposal No. 36, 1997 was retitled COUNCIL RESOLUTION NO. 9, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 1997

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender.

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the annual confirmation of the City-County Council; and

WHEREAS, the Marion County Pubic Defender Board has submitted to this Council the name of David Cook to serve as Marion County Chief Public Defender; now, therefore:

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

SECTION 1. David Cook is approved and reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 55, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides for the inclusion of the City of Indianapolis as a member of the Historic Railroad Multi-jurisdictional Port Authority"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 71, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,000 in the County Surveyor's 1997 Budget (County General Fund) for purposes of surveying, drafting, consolidating, and preparing legal descriptions for the disposal of surplus City properties financed by a contract with the Department of Capital Asset Management"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 72, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$12,329 in the County Sheriff's 1997 Budget (Sheriff's Continuing Education Fund) for purposes of reappropriating funds that were unused at the end of 1996"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 73, 1997. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Hiner Lane and Shortridge Road (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 74, 1997. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Lawrence Avenue and Stanley Avenue (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 75, 1997. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Boyd Avenue and Standish Avenue (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 76, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 18th Street and Holmes Avenue (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 77, 1997. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 9th Street and Olney Street (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 78, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Highland Avenue and North Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 79, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Dorman Street and North Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 80, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a parking restriction on Capital Avenue at 23rd Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 81, 1997. Introduced by Councillors Tilford and O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 35 mph speed limit on 10th Street from German Church Road to Cumberland Road (Districts 12, 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 82, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sarah Taylor to the Information Services Agency Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 83, 1997. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Aaron E. Haith to the Public Housing Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 84, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Pamela Knox Hammersley to the Indianapolis City-Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 85, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Randolph L. Snyder to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 86, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Lance L. Bundles to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 87, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 88, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 89, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joe M. Rink to the Metropolitan Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 90, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Isaac Randolph to the Metropolitan Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 91, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 92, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 93, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Diana Wilson Hall to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 95, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Terry Hursh to the Fort Harrison Reuse Authority"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 98, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Pat Miller to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 99, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Esperanza Zendejas to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Cockrum stated that the attendance records of Council appointees should be examined closely before making reappointments. He stated that the reappointments noted in Proposal Nos. 83 and 85, 1997 have poor attendance records. Councillor Hinkle stated that attendance records are provided by the secretary of the Metropolitan Development Committee at Committee meetings, and that they are taken into consideration during reappointments. Councillor Franklin stated that there are legitimate reasons for the poor attendance of the individual considered in Proposal No. 83, 1997, and that the Board does not consider the absences to be excessive.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 96, 1997 and PROPOSAL NO. 97, 1997. Introduced by Councillor Hinkle. Proposal No. 96, 1997 and Proposal No. 97, 1997 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 30, 1997. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as Rezoning Ordinances Nos. 29 and 30, 1997, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 29, 1997.

96-Z-209

8175 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

CLOVERLEAF PROPERTIES requests a rezoning of 2.251 acres, being in the C-S District, to the C-4 classification to provide for commercial development including a gasoline service station and convenience store with a self-serve automobile wash.

REZONING ORDINANCE NO. 30, 1997

96-Z-262 (Amended)

4705 WEST 72nd STREET a/k/a 7138-7140 POLLARD STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

MILESTONE FIELD & POST, INC. requests a rezoning of 0.482 acre, being in the SU-1 District, to the C-1 classification to provide for professional office for a multimedia production company and to provide for commercial tenant space, all within an existing building.

Councillor Boyd stated that he has a concern regarding Section 151-22 of the Council rules which says that the Committee on Committees must meet before February 1 to name members of standing committees. He stated that the Committee on Committees has not met, therefore making committee decisions illegal until those standing committees have been set.

The President stated that the Committee on Committees will meet soon and that concerns should be expressed now if any Councillor wishes to be reassigned.

Councillor Talley asked if the committees are considered regularly constituted as of February 1, since no new assignments have been confirmed.

Councillor McClamroch said the guidelines state that the Committee on Committees shall meet by February 1, but if the Committee fails to meet, this failure does not make the standing committees void. He added that the Committee on Committees is clearly in violation and should take steps to rectify the matter.

Councillor Williams asked if committee votes are legal if standing committees have not been constituted and asked the Parliamentarian to share his opinion as to the legality of this matter.

Parliamentarian Robert Elrod stated that the Council and standing committees as a continuing body do not expire until new members are named. He added that the Committee on Committees must give a 48-hour notice before any meeting can be convened.

Councillor Boyd asked the reason for the February 1st date being noted in the rules. The Parliamentarian stated that February 1 is set as a guideline primarily for a newly elected body, so that committees can be established before committee meetings take place.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 35, 1997. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 35, 1997 on January 22, 1997. The proposal is an appropriation of \$500,000 for the Department of Parks and Recreation to purchase tree services thus reducing the backlog of dead tree removal financed from the Park General Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Golc, for adoption. Proposal No. 35, 1997 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford
0 NAYS:
4 NOT VOTING: Boyd, Coughenour, Jones, Williams

Proposal No. 35, 1997 was retitled FISCAL ORDINANCE NO. 7, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park 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 1.01 (n) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department Of Department of Parks and Recreation to reduce the backlog of dead tree removal.

SECTION 2. The sum of Five Hundred Thousand Dollars (\$500,000) 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 appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	500,000
TOTAL INCREASE	500,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	500,000
TOTAL REDUCTION	500,000

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 38 and 39, 1997 on January 29, 1997. Councillor Dowden asked for consent to vote on Proposal Nos. 38 and 39, 1997 together. Consent was given.

PROPOSAL NO. 38, 1997. The proposal approves an increase of \$51,569 in the County Sheriff's 1997 Budget for the County Sheriff (State and Federal Grants Fund) for purposes of paying salaries for the Victim Assistance Program financed by an Indiana Criminal Justice Institute Grant. PROPOSAL NO. 39, 1997. The proposal approves an increase of \$25,488 in the County Sheriff's 1997 Budget (State and Federal Grants Fund) for purposes of paying salaries for the Child Sex Abuse/Intervention and Prevention Program financed by an Indiana Criminal Justice Institute Grant. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 38 and 39, 1997 were adopted on the following roll call vote; viz:

26 YEAS: *Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford*
0 NAYS:
3 NOT VOTING: *Boyd, Jones, Williams*

Proposal No. 38, 1997 was retitled FISCAL ORDINANCE NO. 8, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Fifty-one Thousand Five Hundred Sixty-nine Dollars (\$51,569) in the State and Federal Grants Fund for purposes of the County Sheriff and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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. (b,y) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff and County Auditor to pay salaries for the Victim Assistance Program.

SECTION 2. The sum of Fifty-one Thousand Five Hundred Sixty-nine Dollars (\$51,569) 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:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	16,549
<u>COUNTY SHERIFF</u>	
1. Personal Services	35,020
TOTAL INCREASE	51,569

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>51,569</u>
TOTAL REDUCTION	51,569

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 39, 1997 was retitled FISCAL ORDINANCE NO. 9, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Twenty-five Thousand Four Hundred Eighty-eight Dollars (\$25,488) in the State and Federal Grants Fund for purposes of the County Sheriff and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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.(b,y) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff and County Auditor to pay salaries for the Child Sex Abuse/Intervention and Prevention Program.

SECTION 2. The sum of Twenty-five Thousand Four Hundred Eighty-eight Dollars (\$25,488) 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:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	7,535
<u>COUNTY SHERIFF</u>	
1. Personal Services	<u>17,953</u>
TOTAL INCREASE	25,488

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>25,488</u>
TOTAL REDUCTION	25,488

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 56, 1997. The proposal authorizes the Auditor of Marion County to pursue an appeal with the State Board of Tax Commissioners to reinstate a County General Fund tax rate of \$0.9379 and a tax levy of \$78,125,837. Councillor Borst stated that as the sponsor of Proposal No. 56, 1997, he has withdrawn it.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 37, and 40-42, 1997 on January 29, 1997.

PROPOSAL NO. 37, 1997. The proposal is an annual amendment to authorize receipt of state community correction payments for year ending April 30, 1998. 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 Smith, for adoption. Proposal No. 37, 1997 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
2 NOT VOTING: Boyd, Gilmer

Proposal No. 37, 1997 was retitled GENERAL ORDINANCE NO. 19, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 1997

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Section 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 or symbols underlined and deleting the words or symbols 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, ~~1997~~ 1998.

(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. 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.

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.

Councillor Dowden asked for consent to vote on Proposal Nos. 40-42, 1997 together. Consent was given.

PROPOSAL NO. 40, 1997. The proposal approves an increase of \$400,000 in the Prosecuting Attorney's 1997 Budget (County General Fund) for purposes of upgrading the Prosecutor's computer network financed by a transfer of funds set aside in the County Auditor's budget during the budget process for technology upgrade. PROPOSAL NO. 41, 1997. The proposal approves an increase of \$284,539 in the Public Defender Agency's 1997 Budget (County General Fund) for purposes of upgrading the Public Defender Agency's computer network financed by a transfer of funds set aside in the County Auditor's budget during the budget process for technology upgrade. PROPOSAL NO. 42, 1997. The proposal approves an increase of \$462,775 in the Superior Court's 1997 Budget (County General Fund) for purposes of upgrading the Superior Court's computer network financed by a transfer of funds set aside in the County Auditor's budget during the budget process for technology upgrade. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 40-42, 1997 were adopted on the following roll call vote; viz:

28 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

1 NOT VOTING: Boyd

Proposal No. 40, 1997 was retitled FISCAL ORDINANCE NO. 10, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Four Hundred Thousand Dollars (\$400,000) in the County General Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations of the County Auditor.

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.(b,v) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to upgrade computer network financed by funds set aside during the budget process for technology upgrades in the County Auditor's budget.

SECTION 2. The sum of Four Hundred Thousand Dollars (\$400,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	19,320
3. Other Services and Charges	45,630
4. Capital Outlay	<u>335,050</u>
TOTAL INCREASE	400,000

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

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>400,000</u>
TOTAL DECREASE	400,000

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

Proposal No. 41 1997 was retitled FISCAL ORDINANCE NO. 11, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Two Hundred Eighty-four Thousand Five Hundred Thirty-nine Dollars (\$284,539) in the County General Fund for purposes of the Marion County Public Defender Agency and reducing certain other appropriations of the County Auditor.

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(b,u) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency to upgrade computer network financed by funds set aside during the budget process for technology upgrades in the County Auditor's budget.

SECTION 2. The sum of Two Hundred Eighty-four Thousand Five Hundred Thirty-nine Dollars (\$284,539) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	3,278
3. Other Services and Charges	85,585
4. Capital Outlay	<u>195,676</u>
TOTAL INCREASE	284,539

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

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	47,164
4. Capital Outlay	<u>237,375</u>
TOTAL DECREASE	284,539

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

Proposal No. 42, 1997 was retitled FISCAL ORDINANCE NO. 12, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Four Hundred Sixty-two Thousand Seven Hundred Seventy-five Dollars (\$462,775) in the County General Fund for purposes of the Marion County Superior Court and reducing certain other appropriations of the County Auditor.

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.(b,cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to upgrade computer network financed by funds set aside during the budget process for technology upgrades in the County Auditor's budget.

SECTION 2. The sum of Four Hundred Sixty-two Thousand Seven Hundred Seventy-five Dollars (\$462,775) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>462,775</u>
TOTAL INCREASE	462,775

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

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>462,775</u>
TOTAL DECREASE	462,775

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

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McClamroch stated that he offers the following motion for adjournment by:

- (1) Councillor Moriarty Adams in memory of Margaret Bewsey and David Paul Tex; and
- (2) Councillors O'Dell and Tilford in memory of Charles Eno Sutton.

Councillor McClamroch moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Margaret Bewsey, David Paul Tex, and Charles Eno Sutton. 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 8:04 p.m.

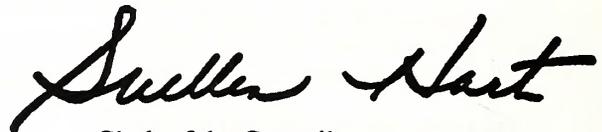
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 3rd day of February, 1997.

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



President

ATTEST:



Clerk of the Council

(SEAL)