

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 9, 1998**

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 7:15 p.m. on Monday, February 9, 1998, with Councillor SerVaas presiding.

Councillor Brents 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:

28 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, Williams
1 ABSENT: Tilford

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Hinkle recognized west-side resident Vera Zunk, who is also the mother of Indianapolis Police Department Chief, Michael Zunk, and Olgen Williams, another west-side resident. Councillor Schneider introduced Boy Scout Troop 68. Councillor Black recognized Rev. Reuben Fields. Councillor McClamroch acknowledged Ray Paschke, former Washington Township Trustee. Councillor O'Dell recognized Warren Township School Superintendent, Craig Hintz, and Associate Superintendent David Geise. Councillor Franklin introduced Diane Jackson, president of the Martin Luther King Community Development Corporation. Councillor Curry recognized west-side businessman Doug Meecham and former Deputy Mayor John Ryan.

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 9, 1998, 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, 1998

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 28, 1998, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, January 29, 1998, a copy of a Notice of Public Hearing on Proposal Nos. 64 and 65, 1998, said hearing to be held on Monday, February 9, 1998, at 7:00 p.m. in the City-County Building.

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

January 30, 1998

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 approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 1, 1998 - approves an increase of \$500,000 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to fund 15 new road deputies for the first of a three-year Law Enforcement Assistance Grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 2, 1998 - approves a transfer of \$7,500 in the 1998 Budget of the Forensic Services Agency (State and Federal Grants Fund) to provide additional supply monies for use in DNA STR testing

GENERAL ORDINANCE NO. 25, 1998 - establishes a citizens police complaint process, board, and office to replace the current system

GENERAL ORDINANCE NO. 26, 1998 - establishes a procedure for determining whether a public utility providing water service in the city shall be required to extend service to an area served by private water wells when a health hazard is determined to exist

GENERAL ORDINANCE NO. 27, 1998 - authorizes parking restrictions on 66th Street from College Avenue to Cornell Avenue (District 2)

SPECIAL RESOLUTION NO. 2, 1998 - recognizes the public service of Sheriff's Department Captain Michael S. "Mike" Russo

SPECIAL RESOLUTION NO. 3, 1998 - recognizes the 25th Anniversary of American Trans Air, Inc.

SPECIAL RESOLUTION NO. 4, 1998 - an inducement resolution for Visiting Nurse Service, Inc. in an amount not to exceed \$3,600,000 to be used for the acquisition of the existing 80,000 square foot building located at 4701 North Keystone Avenue (Visiting Nurse Service, Inc. Project) (District 6)

Respectfully,
s/Stephen Goldsmith, Mayor

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 26, 1998. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 106, 1998. The proposal, sponsored by Councillors Brents and Golc, recognizes Indianapolis Weed & Seed IPD Appreciation Day. Councillor Brents read the proposal and presented representatives with copies of the document and Council pins. Councillor Golc stated that he is proud of the teamwork demonstrated on the west side through this project. Director of the Weed & Seed program Tyrone Chandler, West District Chief Jerry Barker, IPD Chief Michael Zunk, and west-side resident Olgen Williams thanked the Council for the recognition. Councillor Brents recognized Detective Gloria West, Prosecutor Melinda Haag, and the Chair of the Community Policing Committee, Margaret Berg. Councillor Brents moved, seconded by Councillor Golc, for adoption. Proposal No. 106, 1998 was adopted by a unanimous voice vote.

Proposal No. 106, 1998 was retitled SPECIAL RESOLUTION NO. 5, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 5, 1998

A SPECIAL RESOLUTION recognizing Indianapolis Weed & Seed IPD Appreciation Day.

WHEREAS, on December 29, 1997, Indianapolis Weed & Seed, WESCO, and community leaders sponsored their Third Annual IPD Appreciation Day at the Waffle House Restaurant; and

WHEREAS, awards, plaques and certificates were given by Mayor Goldsmith to Indianapolis Police Department West District officers and to community leaders for their service and dedication to the neighborhoods of Haughville, Concord, Stringtown and Hawthorne; and

WHEREAS, several meetings were held by Lieutenant Don Bender, Sister Robinson, Veronica Phinisee, Sue Ann Yavonivich, Khawailah Ahmad, Vaughan Bowman, and John Gaughan to make sure that this event went smoothly; and

WHEREAS, invitations and letters were sent to 150 community businesses, corporations, and community residents which raised over \$2,000 and in-kind contributions for the occasion; and

WHEREAS, awards were given to the major contributors and to "District Beat Sponsors," plaques were given to six IPD officers, Officers Frank Linkenburg, and Brad Thomas along with Detective

Gloria West were given Special Recognition, and Officers Michael Jefferson, Michelle Sprowl and Frank Gooch also received awards: and

WHEREAS, Community Prosecutor Melinda Haag received an award from the community, and Olgen Williams received an award from the Police Department; and

WHEREAS, all West District police officers were treated to a free meal and a Weed & Seed coffee mug to show the community's appreciation for their good work; 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 comends the enthusiasm and dedication of the following persons: Tyrone Chandler, Olgen Williams, Mr. Kim of Waffle House, Police Chief Michael Zunk, Deputy Chief Jerry Barker, Lt. Don Bender, Officers Frank Linkenbourg, Brad Thomas, Michael Jefferson, Michelle Sprowl, and Frank Gooch, Detective Gloria West, Prosecutor Melinda Haag, and Christine Lewis, John Gaughan, Rev. Mel Jackson, and Marshall Lewis.

SECTION 2. The City's heart is its neighborhoods, and in this part of town, the "officer friendly", community policing, businesses, active neighbors, the Weed & Seed Program are all true to the slogan "Working Together Works."

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. 107, 1998. The proposal, sponsored by Councillors O'Dell and Tilford, supports the intergovernmental sale of the surplus 901 North Post Road building. Councillor O'Dell read the proposal and moved, seconded by Councillor Gilmer, for its adoption.

Councillor Coughenour stated that she would like to hear more details and feels this proposal should be assigned to a Committee and go through the proper bid process.

Councillor McClamroch stated that this proposal violates the process by which the City maximizes the return and disposes of assets. He stated that he is in opposition to the proposal.

Councillor Hinkle asked how much money the City has invested in the maintenance and renovations of this property. Ann Lathrop, City Controller, stated that she estimates the investment cost to be around \$2 million.

Councillor Coughenour moved to assign Proposal No. 107, 1998 to Committee for further review. Councillor Gilmer withdrew his second for adoption, and seconded the motion to assign the proposal to Committee.

Councillor O'Dell stated that he would consent to referring the proposal to a Committee and withdrew his motion for adoption.

The President called for a voice vote on the motion to assign Proposal No. 107, 1998 to the Administration and Finance Committee. Division was ruled. Proposal No. 107, 1998 was assigned to the Administration and Finance Committee by the following roll call vote; viz:

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

Councillor O'Dell requested that any interested parties in the property make their offers known before the Committee discussions take place.

Councillor McClamroch stated that Proposal Nos. 1, 13, 16, 17, 21-24, 28-30, 32-35, and 39-44, 1998 and Proposal No. 66, 1998, as amended, are all board or director appointments and all passed out of Committee with unanimous votes. He asked for consent to vote on these proposals together. Consent was given. PROPOSAL NO. 1, 1998. The proposal, sponsored by Councillor Schneider, approves the Mayor's appointment of Peter A. Bisbecos as hearing officer to preside over the administrative adjudication of parking citations. PROPOSAL NO. 13, 1998. The proposal, sponsored by Councillor Schneider, approves the Mayor's appointment of Leah Smith as Director of the Department of Administration for a term ending December 31, 1998. PROPOSAL NO. 16, 1998. The proposal, sponsored by Councillor Dowden, approves the Mayor's appointment of Dr. Alan E. Handt as Director of the Department of Public Safety for a term ending December 31, 1998. PROPOSAL NO. 17, 1998. The proposal, sponsored by Councillor Coughenour, approves the Mayor's appointment of Ted Rhinehart as Director of the Department of Public Works for a term ending December 31, 1998. PROPOSAL NO. 21, 1998. The proposal, sponsored by Councillor McClamroch, reappoints John von Arx to the Information Technology Board. PROPOSAL NO. 22, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Sarah Taylor to the Information Technology Board. PROPOSAL NO. 23, 1998. The proposal, sponsored by Councillor McClamroch, reappoints James Atterholt to the City-County Administrative Board. PROPOSAL NO. 24, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Curt Coonrod to the Audit Committee. PROPOSAL NO. 28, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Randolph L. Snyder to the Metropolitan Development Commission. PROPOSAL NO. 29, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I. PROPOSAL NO. 30, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I. PROPOSAL NO. 32, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Joe M. Rink to the Metropolitan Board of Zoning Appeals Division II. PROPOSAL NO. 33, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 34, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 35, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Robert Spear to the Alcoholic Beverage Board of Marion County. PROPOSAL NO. 39, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Ann Curry to the Animal Control Board. PROPOSAL NO. 40, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 41, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Susie Davie to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 42, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Leslie Duvall to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 43, 1998. The proposal, sponsored by Councillor McClamroch, appoints Billie Romeril to the Marion County Community Corrections Advisory

Board. PROPOSAL NO. 44, 1998. The proposal, sponsored by Councillor McClamroch, reappoints Mary Stewart to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 66, 1998. The proposal, sponsored by Councillor Dowden, confirms the Marion County Public Defender Board's nomination of David E. Cook as Marion County Chief Public Defender.

Councillor Bradford stated that he will abstain on Proposal No. 35, 1998 to avoid an appearance of a conflict of interest. Councillor Curry disclosed that his spouse is the appointee in Proposal No. 39, 1998.

Councillor Black asked how many of these appointees are minorities. Councillor McClamroch stated that he has not done that analysis yet this year but will provide that information to Councillor Black.

Councillor McClamroch moved, seconded by Councillor Gilmer, for adoption. Proposal Nos. 1, 13, 16, 17, 21-24, 28-30, 32-35, and 39-44, 1998 and Proposal No. 66, 1998, as amended, were adopted by voice vote.

Proposal No. 1, 1998, was retitled COUNCIL RESOLUTION NO. 8, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of Peter A. Bisbecos as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County for a term of one (1) year and until a successor is appointed, at the pleasure of the Mayor.

WHEREAS, pursuant to IC 36-3-3-8 and Section 103-73 of the Revised Code of the Consolidated City and County, Indiana, a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Peter A. Bisbecos to serve as hearing officer at his pleasure for a term of one (1) year, now, therefore:

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

SECTION 1. Peter A. Bisbecos is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

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

Proposal No. 13, 1998, was retitled COUNCIL RESOLUTION NO. 9, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of Leah Smith as Director of the Department of Administration for a term ending December 31, 1998.

WHEREAS, pursuant to IC 36-3-5-2 and Section 221-11 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Leah Smith to serve as Director of the Department of Administration at the pleasure of the Mayor for a term ending December 31, 1998; now, therefore:

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

SECTION 1. Leah Smith is approved and confirmed by the City-County Council to serve as Director of the Department of Administration at the pleasure of the Mayor for a term ending December 31, 1998.

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

Proposal No. 16, 1998, was retitled COUNCIL RESOLUTION NO. 10, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of Dr. Alan E. Handt as Director of the Department of Public Safety for a term ending December 31, 1998.

WHEREAS, pursuant to IC 36-3-5-2 and Section 3-201 of the "Code of Indianapolis and Marion County, Indiana" a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Dr. Alan E. Handt to serve as Director of the Department of Public Safety at the pleasure of the Mayor for a term ending December 31, 1998; now, therefore:

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

SECTION 1. Dr. Alan E. Handt is approved and confirmed by the City-County Council to serve as Director of the Department of Public Safety at the pleasure of the Mayor for a term ending December 31, 1998.

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

Proposal No. 17, 1998, was retitled COUNCIL RESOLUTION NO. 11, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of Ted Rhinehart as Director of the Department of Public Works for a term ending December 31, 1998.

WHEREAS, pursuant to IC 36-3-5-2 and Section 261-11 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Ted Rhinehart to serve as Director of the Department of Public Works at the pleasure of the Mayor for a term ending December 31, 1998; now, therefore:

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

SECTION 1. Ted Rhinehart is approved and confirmed by the City-County Council to serve as Director of the Department of Public Works at the pleasure of the Mayor for a term ending December 31, 1998.

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

Proposal No. 21, 1998, was retitled COUNCIL RESOLUTION NO. 12, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 12, 1998

A COUNCIL RESOLUTION reappointing John von Arx to the Information Technology Board.

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

SECTION 1. As a member of the Information Technology Board, the Council appoints:

John von Arx

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 22, 1998, was retitled COUNCIL RESOLUTION NO. 13, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 13, 1998

A COUNCIL RESOLUTION reappointing Sarah Taylor to the Information Technology Board.

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

SECTION 1. As a member of the Information Technology Board, the Council appoints:

Sarah Taylor

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 23, 1998, was retitled COUNCIL RESOLUTION NO. 14, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 14, 1998

A COUNCIL RESOLUTION reappointing James Atterholt to the City-County Administrative Board.

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

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

James Atterholt

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 24, 1998, was retitled COUNCIL RESOLUTION NO. 15, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 1998

A COUNCIL RESOLUTION reappointing Curt Coonrod 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:

Curt Coonrod

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 28, 1998, was retitled COUNCIL RESOLUTION NO. 16, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 1998

A COUNCIL RESOLUTION reappointing Randolph L. Snyder to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Randolph L. Snyder

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 29, 1998, was retitled COUNCIL RESOLUTION NO. 17, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 1998

A COUNCIL RESOLUTION reappointing Alan Retherford to the Metropolitan Board of Zoning Appeals Division I.

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 Metropolitan Board of Zoning Appeals Division I, the Council appoints:

Alan Retherford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 30, 1998, was retitled COUNCIL RESOLUTION NO. 18, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 1998

A COUNCIL RESOLUTION reappointing Joanna Walker to the Metropolitan Board of Zoning Appeals Division I.

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 Metropolitan Board of Zoning Appeals Division I, the Council appoints:

Joanna Walker

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 32, 1998, was retitled COUNCIL RESOLUTION NO. 19, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 1998

A COUNCIL RESOLUTION reappointing Joe M. Rink to the Metropolitan Board of Zoning Appeals Division II.

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 Metropolitan Board of Zoning Appeals Division II, the Council appoints:

Joe M. Rink

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 33, 1998, was retitled COUNCIL RESOLUTION NO. 20, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 1998

A COUNCIL RESOLUTION reappointing Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III.

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 Metropolitan Board of Zoning Appeals Division III, the Council appoints:

Mary Jane Klepek

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 34, 1998, was retitled COUNCIL RESOLUTION NO. 21, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 1998

A COUNCIL RESOLUTION reappointing Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III.

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 Metropolitan Board of Zoning Appeals Division III, the Council appoints:

Robert A. Stewart

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 35, 1998, was retitled COUNCIL RESOLUTION NO. 22, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 1998

A COUNCIL RESOLUTION reappointing Robert Spear to the Alcoholic Beverage Board of Marion County.

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 Alcoholic Beverage Board of Marion County, the Council appoints:

Robert Spear

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 39, 1998, was retitled COUNCIL RESOLUTION NO. 23, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 1998

A COUNCIL RESOLUTION reappointing Ann Curry to the Animal Control Board.

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

SECTION I. As a member of the Animal Control Board, the Council appoints:

Ann Curry

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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. 40, 1998, was retitled COUNCIL RESOLUTION NO. 24, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 1998

A COUNCIL RESOLUTION reappointing Rondle W. Brewer to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Rondle W. Brewer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. 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. 41, 1998, was retitled COUNCIL RESOLUTION NO. 25, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 1998

A COUNCIL RESOLUTION reappointing Susie Davie to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Susie Davie

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. 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. 42, 1998, was retitled COUNCIL RESOLUTION NO. 26, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 1998

A COUNCIL RESOLUTION reappointing Leslie Duvall to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Leslie Duvall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. 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. 43, 1998, was retitled COUNCIL RESOLUTION NO. 27, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 1998

A COUNCIL RESOLUTION appointing Billie Romeril to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Billie Romeril

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. 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. 44, 1998, was retitled COUNCIL RESOLUTION NO. 28, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 1998

A COUNCIL RESOLUTION reappointing Mary Stewart to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Mary Stewart

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. 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. 66, 1998, as amended, was retitled COUNCIL RESOLUTION NO. 29, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 1998

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of David E. 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, pursuant to IC 11-12-2-2(a)(7), the City-County Council is authorized to appoint a public defender to the Marion County Community Corrections Board; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of David E. Cook to serve as the Marion County Chief Public Defender, and the City-County Council considers David E. Cook an appropriate appointment as the public defender representative to the Marion County Community Corrections Advisory Board; now therefore:

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

SECTION 1. David E. Cook is approved and reconfirmed by the City-County Council to serve as Marion County Chief Public Defender, and is also appointed by the City-County Council as the public defender representative to the Marion County Community Corrections Advisory Board.

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. 91, 1998. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$249,000 in the 1998 Budget of the Department of Parks and Recreation (Federal Grants Fund) to pay for an additional four park rangers financed by a Community Development Block Grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 92, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 2-358 of the Code to allow Marion County to participate in the County Corrections Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 93, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,202,456 in the 1998 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for design and modeling of the Integrated Law Enforcement System (ILES) and upgrade of mobile data terminals (MDTs) financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 94, 1998. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$250,000 in the 1998 Budget of the Department of Public Works, Contract Compliance Division (Sanitation General Fund) and an increase of \$50,000 in the 1998 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund) to pay for the customer services portion of the sewer collection system contract funded by a transfer of \$300,000 from the Department of Public Works, Maintenance Operations Division (Maintenance General Fund)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 95, 1998. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$22,000 in the 1998 Budget of the Cable Communications Agency (Consolidated County Fund) to pay for a replacement van for Channel 16 financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 96, 1998. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at the intersection of Moller Road, Old Barn Drive and 62nd Street (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 97, 1998. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Brill

Road, Hi-Vu Drive, Ransdell Street, Tulip Drive, and Venoy Drive (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 98, 1998. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Industrial Boulevard and Park 65 Drive (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 99, 1998. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Masters Road and 91st Street (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 100, 1998. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Castle Avenue, on the south side, from Bowman Avenue to Matthews Avenue (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 101, 1998. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 42nd Street, on the north side, from Wittfield Street to Stouffer Lane (District 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 102, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John M. Mallers to the Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 103, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Walter Quesenberry to the Lawrence Economic Development Board"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 104, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints David McClure to the Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 105, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Stuart Rhodes to the Cable Franchise Board"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 125, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints George L. Wiley to the Board of Asset Management and Public Works"; and the President referred it to the Capital Asset Management Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 108-109, 1998, PROPOSAL NO. 110, 1998, and PROPOSAL NOS. 112-124, 1998. Introduced by Councillor Hinkle. Proposal Nos. 108-109, 1998, Proposal No. 110, 1998, and Proposal Nos. 112-124, 1998 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 6, 1998. 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 ORDINANCE NOS. 28-43, 1998, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 28, 1998.

96-Z-76D (Amended)

8302 TROTTER ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CAMBY CROSSING, L.L.C., by Philip A. Nicely, requests a rezoning of 80 acres, being in the D-A District, to the D-3 classification to provide for the construction of a single-family residential development.

REZONING ORDINANCE NO. 29, 1998.

96-Z-76E

8602 TROTTER ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CAMBY CROSSING, L.L.C., by Philip A. Nicely, requests a rezoning of 40 acres, being in the D-A District, to the D-2 classification to provide for the construction of a single-family residential development.

REZONING ORDINANCE NO. 30, 1998.

97-Z-189

1049 EAST MICHIGAN STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.11 acres, being in the C-2(FF) District, to the C-3(FF) classification to provide for restricted commercial uses which may include the operation of an antique store.

REZONING ORDINANCE NO. 31, 1998.

97-Z-210

5501 WEST 56th STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9

NBD as TRUSTEE for the DOMONT ESTATE., by Michael J. Kias, requests a rezoning of 44.98 acres, being in the D-A and SU-43 Districts, to the SU-2 classification to provide for school and school transportation center uses.

REZONING ORDINANCE NO. 32, 1998.

97-Z-239

5925 WEST 86th STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

MDP HOSPITALITY, INC., requests a rezoning of 1.625 acres, being in the C-3 District, to the C-6 classification to provide for highway-oriented commercial uses including a motel.

REZONING ORDINANCE NO. 33, 1998.

98-Z-1

2946 NORTH KENWOOD AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

DEPARTMENT OF ADMINISTRATION, REAL ESTATE SERVICES DIVISION, requests a rezoning of 0.61 acre, being in the D-8 District, to the SU-9 classification to provide for an accessory parking area for the adjacent fire station.

REZONING ORDINANCE NO. 34, 1998.

98-Z-5

7201 EAST THOMPSON ROAD (rear) (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

FIVE POINTS DEVELOPMENT COMPANY, LLC, by Stephen D. Mears, requests a rezoning of 14.83 acres, being in the I-2-S District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 35, 1998.

98-Z-7

5774 EAST 30th STREET and 5817 EAST 32nd STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

EASTERN STAR MISSIONARY BAPTIST CHURCH, INC., requests a rezoning of 1.794 acres, being in the D-4 District, to the SU-1 classification to provide for church related uses.

REZONING ORDINANCE NO. 36, 1998.

98-Z-8

12050 PENDLETON PIKE (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

DAVIS HOMES, LLC, by Thomas Michael Quinn, requests a rezoning of 13.73 acres, being in the D-5 and C-3 Districts, to the D-5II classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 37, 1998.

98-Z-9

12102 PENDLETON PIKE (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

DAVIS HOMES, LLC, by Thomas Michael Quinn, requests a rezoning of 1.51 acres, being in the D-5 and C-3 Districts, to the C-3 classification to provide for a neighborhood commercial retail development.

REZONING ORDINANCE NO. 38, 1998.

98-Z-12

801 WEST 73rd STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

CITY OF INDIANAPOLIS, DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 4.57 acres, being in the SU-2 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 39, 1998.

98-Z-14

345 NORTH KITLEY AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

CHRIST LUTHERAN CHURCH requests a rezoning of 1.944 acres, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 40, 1998.

97-CP-39Z

263-327 SOUTH KEYSTONE AVENUE and 262-316 SOUTH TROWBRIDGE STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

BRYLANE, L.P., by James B. Burroughs, requests a rezoning of 2.84 acres, being in the D-5 District, to the I-3-U classification to provide for medium industrial uses which may include a surface parking lot for an existing manufacturing facility.

REZONING ORDINANCE NO. 41, 1998.

97-CP-45Z (Amended)

6496 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

SCHRADER GROUP, INC., by James B. Burroughs, requests a rezoning of 9.45 acres, being in the D-6II District, to the D-P classification to provide for multi-family development.

REZONING ORDINANCE NO. 42, 1998.

98-CP-IZ (97-DP-II)

1820 EMILY DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

BORNS SISTERS TRUST, by Gregory K. Silvers, requests a rezoning of 11 acres, being in the SU-2 District, to the D-P classification to provide for the construction of two-family residential development.

REZONING ORDINANCE NO. 43, 1998.

98-CP-2Z

5150 MOLLER ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

C.P. MORGAN, by Brian Tuohy, requests a rezoning of 12.658 acres, being in the D-A(FF) District, to the D-P(FF) classification to provide for a 36 lot single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 769, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 769, 1997 on January 28, 1998. The proposal approves an increase of \$26,165 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to reimburse the salary expense of three officers assigned to the FBI Task Force Program financed by an FBI Task Force Grant. 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 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 769, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Coughenour, Franklin, Moores

1 ABSENT: Tilford

Proposal No. 769, 1997 was retitled FISCAL ORDINANCE NO. 3, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Twenty-six Thousand One Hundred Sixty-five Dollars (\$26,165) in the State and Federal Grants Fund for purposes of the County Sheriff 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(y) of the City-County Annual Budget for 1998 be, and is hereby, amended

by the increases and reductions hereinafter stated for purposes of the County Sheriff to reimburse the salary expense of three officers assigned to the FBI Task Force Program

SECTION 2. The sum of Twenty-six Thousand One Hundred Sixty-five Dollars (\$26,165) 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 SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>26,165</u>
TOTAL INCREASE	26,165

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>26,165</u>
TOTAL REDUCTION	26,165

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.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 7 and 8, 1998 on January 14, 1998 and again on January 28, 1998. He asked for consent to vote on Proposal Nos. 7 and 8, 1998 together. Consent was given.

PROPOSAL NO. 7, 1998. The proposal approves an increase of \$100,000 in the 1998 Budget of the County Auditor (Enhanced Access Fund) to pay the expenses of providing enhanced access services funded by enhanced access fees. PROPOSAL NO. 8, 1998. The proposal approves an increase of \$95,000 in the 1998 Budget of the County Auditor (Civic Link Fund) to pay expenses of providing civic link services funded by civic link fees. Councillor Dowden stated that the two proposals were combined into one proposal through an amendment to Proposal No. 7, 1998. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that Proposal No. 7, 1998 do pass as amended, and that Proposal No. 8, 1998 be stricken. Councillor Dowden moved, seconded by Councillor Smith, to strike Proposal No. 8, 1998. Proposal No. 8, 1998 was stricken by a unanimous voice vote.

Councillor Dowden explained that Proposal No. 7, 1998 would have to be legally re-advertised with the amended amount of increase. He moved, seconded by Councillor Schneider, to postpone Proposal No. 7, 1998 until February 23, 1998. Proposal No. 7, 1998 was postponed by a unanimous voice vote.

Councillor Hinkle asked for consent to postpone Proposal No. 64, 1998 on the agenda. Consent was given.

PROPOSAL NO. 65, 1998. The proposal approves an increase of \$4,188,000 in the 1998 Budget of the Department of Parks and Recreation (Parks General Fund) to fund various capital projects financed by a grant from Lilly Endowment. Councillor Shambaugh moved, seconded by

Councillor Massie, to postpone Proposal No. 65, 1998 until February 23, 1998. Proposal No. 65, 1998 was postponed by a unanimous voice vote. Councillor Boyd asked if a list could be provided of the capital projects to be funded. Councillor Shambaugh stated that the Committee always asks for this type of information.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 720, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 720, 1997 on December 16, 1997 and again on January 13, 1998. The proposal was amended and postponed in Council on January 26, 1998. The proposal, sponsored by Councillor Moores, concerns voting limitations by Councillors. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Dowden, for adoption. Proposal No. 720, 1997, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Williams

1 NAY: Borst

3 NOT VOTING: Black, Bradford, Franklin

1 ABSENT: Tilford

Proposal No. 720, 1997, as amended, was retitled GENERAL ORDINANCE NO. 28, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 1998

A GENERAL ORDINANCE amending the Revised Code concerning voting limitations by Councillors.

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

SECTION 1. Sec. 151-52 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 151-52. Roll call votes.

(a) Recorded votes. All votes upon the final adoption of proposals for ordinances or general resolutions, motions to reconsider or motions to suspend the rules, shall be by roll call vote. If electronic or mechanical voting systems are installed for use by the council, the recording of the vote by such methods shall be the same as a vote by calling the roll and may be used for the roll call at the opening of a meeting and to determine a quorum. All ordinances or resolutions shall be adopted solely upon the affirmative vote of a majority of all members of the council. All members present shall vote on all roll call votes except where permitted to abstain.

(b) Abstentions.

(1) It is recognized that service as a member of the city-county council is a part-time endeavor and that members of the city-county council are individuals who are active in the community and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their council compensation.

(2) During the course of council duties, a councillor may be placed in a position where the councillor has a duty to vote on a proposal in which the councillor has a direct and indirect financial or personal interest. In making a decision pursuant to Sec. (a) of this ordinance as regards such councillor's duty to vote when present, the councillor shall consider the following:

- a. whether the councillor's interest in the legislation is so substantial as to affect the councillor's independence of judgment with respect to such legislation;
 - b. to what extent the councillor's interest in the legislation mirrors the interest of the citizenry to whom the councillor is directly responsible;
 - c. the effect of the councillor's participation in the voting on the legislation on public confidence in the integrity of the council;
 - d. the need of the councillor's particular contribution, such as special knowledge of the subject matter, to the effective functioning of a citizen legislative body;
 - e. whether the proposal would have a unique, direct and material effect on the councillor's non-legislative income, a member of the councillor's immediate family or those of a partnership, corporation or business in which the councillor holds a legal or equitable interest.
- (b3) Any councillor, who has a direct and material financial or personal interest, ~~whether direct or indirect, in any matter pending before the council, which interest is distinguishable from the interests of the public in general, so substantial as to affect the councillors independent legislative judgment shall not engage in deliberations concerning such matter, shall be disqualified from acting on such matter, and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. shall not be precluded from engaging in the committee or floor discussion and debate concerning such matter if~~ Such councillor shall publicly disclose the nature of such disqualifying interest at the first meeting at which the matter is considered after such disqualifying interest is apparent to the councillor or is suggested by some other person and shall thereafter remain silent and abstain from any votes on such matter.
- (e4) Whenever, because of personal, business or financial relationships potentially affected by any matter pending before the council, a councillor believes that his participation in the matter might cause an appearance of impropriety even though there is not a disqualifying interest under subsection (b), such councillor shall disclose such relationship and may request to abstain from any votes on such matters. The presiding officer shall permit such abstention.
- (e5) Challenges. Whenever the propriety of voting of a councillor on any matter is challenged by another councillor and such councillor refuses to abstain, a motion shall be in order to disqualify such councillor on the grounds provided in subsection (b). Such motion shall be decided by majority vote of those present. If the motion to disqualify carries, the vote of such member shall not be counted on the matter with respect to which the councillor was disqualified. Unless the propriety of a councillor's vote is challenged under this subsection prior to the announcement of the vote by the presiding officer, the right of the councillor to vote shall not thereafter be challenged.

SECTION 2. 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. 701, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 701, 1997 on November 11, 1997. On November 24, 1997, the Council voted to return it to Committee, which heard it again on January 28, 1998. The proposal creates an application fee to be paid by applicants for sworn positions in the Indianapolis police and fire departments. Councillor Dowden moved, seconded by Councillor Curry, to postpone Proposal No. 701, 1997 until February 23, 1998. Proposal No. 701, 1997 was postponed by a unanimous voice vote.

PROPOSAL NO. 2, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 2, 1998 on February 2, 1998. The proposal approves the

disbursement of \$2,382,870 in Community Development Block Grant Funds. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Bradford stated that he is against this proposal because of problems with the Martin Luther King and Meridian Kessler Community Development Corporations.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 2, 1998, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 2, 1998, as amended, was retitled SPECIAL RESOLUTION NO. 6, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 6, 1998

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

WHEREAS, on September 29, 1997, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 90, 1997, 1998 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 of the Budget Ordinance, as approved by the Council, reads as follows:

Section. 4.01. State, local and federal grants.

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

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

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

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted the 1998 Community Development Block Grant Community Development Committee Recommendations, which would utilize a portion of the Community Development Grant Funds, to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operations of each of the projects listed on the 1998 Community Development Block Grant Community Development Committee Recommendations, a copy of which is attached hereto and incorporated herein by reference

as Exhibit A, submitted by the Department of Metropolitan Development, should be approved; now, therefore:

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

SECTION 1. That the 1998 Community Development Block Grant Community Development Committee Recommendations for distribution of certain Community Development Block Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01 of the Budget Ordinance.

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

EXHIBIT A

1998 COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS

- | | |
|---|-----------|
| 1. <u>BOS</u>
Repairs to twenty low/moderate income owner occupied residences. | \$110,000 |
| 2. <u>Coburn Place</u>
Operating costs for a shelter for abused spouses and children. | \$ 13,000 |
| 3. <u>Community Action of Greater Indianapolis</u>
Repairs to fifteen low/moderate income owner occupied residences. | \$ 75,000 |
| 4. <u>Concord Community Development Corporation</u>
Repairs to ten low/moderate income owner occupied residences, and acquisition/rehabilitation of three units to be sold to low/moderate income families. | \$185,000 |
| 5. <u>Eastside Community Investments</u>
Support minor home repairs through Caulk of the Town volunteer program. | \$ 20,000 |
| 6. <u>Faith and Families</u>
Acquisition/rehabilitation of four units to be leased to low/moderate income families. | \$ 63,000 |
| 7. <u>Good News Mission</u>
Acquisition of building for medical clinic. | \$ 25,000 |
| 8. <u>King Park Area Development Corporation</u>
Repairs to seven low/moderate income owner occupied residences. | \$ 80,000 |
| 9. <u>Mapleton-Fall Creek Development Corporation</u>
Repairs to six low/moderate income owner occupied residences. | \$ 70,000 |
| 10. <u>Martindale-Brightwood Community Development Corporation</u>
Repairs to six low/moderate income owner occupied residences. | \$ 60,000 |
| 11. <u>Martin Luther King Development Corporation</u>
Repairs to eight low/moderate income owner occupied residences and new construction of two units to be leased or sold to low/moderate income families. | \$ 96,000 |
| 12. <u>Martin Luther King Multi-Service Center</u>
Acquisition of building to provide larger facility for multi-service center. | \$150,000 |

13. <u>Mount Vernon Community Missionary Baptist Church</u>	\$ 60,000
Repairs to building which will serve as a drug and alcohol relapse prevention center.	
14. <u>Near North Development Corporation</u>	\$234,420
Repairs to ten low/moderate income owner occupied residences, acquisition/rehabilitation of three units to be leased or sold to low/moderate income families and new construction of three units to be leased or sold to low/moderate income families.	
15. <u>Redevelopment/Revitalization of the Southside</u>	\$ 66,700
Repairs to ten low/moderate income owner occupied residences.	
16. <u>Southeast Neighborhood Development (SEND)</u>	\$ 90,000
Repairs to eight low/moderate income owner occupied residences.	
17. <u>Shepherd Community</u>	\$ 10,000
Operating costs for emergency overflow shelter.	
18. <u>United North East Community Development Corporation</u>	\$205,000
Repairs to fourteen low/moderate income owner occupied residences, acquisition/rehabilitation of three units to be leased or sold to low/moderate income families.	
19. <u>United North West Area Development Corporation</u>	\$410,000
Repairs to forty-seven low/moderate income owner occupied residences and rented substandard housing and environmental remediation of vacant lots.	
20. <u>West Indianapolis Development Corporation</u>	\$117,250
Repairs to thirteen low/moderate income owner occupied residences.	
21. <u>Westside Community Development Corporation</u>	\$242,500
Repairs to thirty low/moderate income owner occupied residences, acquisition/rehabilitation of five units to be leased or sold to low/moderate income families.	
TOTAL	\$2,382,870

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 64, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 64, 1998 on February 2, 1998. The proposal approves an increase of \$1,745,957 in the 1998 Budget of the Department of Metropolitan Development, Division of Planning (Transportation General Fund--\$500,000 and Federal Grants Fund--\$1,245,957) to pay for the preparation of alternatives for traffic congestion in the Northeast Corridor of Marion County financed by a federal grant and matching funds from members of the Northeast Corridor MIS Task Force. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hinkle moved to amend Proposal No. 64, 1998 by adding to the end of Section 1, the following:

The dollars for this study and the study itself will remain under the control of the City of Indianapolis via the Department of Metropolitan Development from beginning until its conclusion. In the event that an R.T.A. (Regional Transportation Authority) is formed at a later date, such group will not be the recipient or controller of these dollars.

Councillor Schneider seconded the motion, and Proposal No. 64, 1998 was amended by a unanimous voice vote.

Councillor Williams clarified that the corridor encompasses more than just the Castleton area and is not directly connected with any efforts to extend I-69 into surrounding neighborhoods.

Councillor O'Dell asked how many counties are affected by this study. Councillor Hinkle stated that Marion County and a portion of Hamilton County are affected.

The President called for public testimony at 8:21 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 64, 1998, as amended, was adopted on the following roll call vote; viz:

28 YEAS: 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, Williams
0 NAYS:
1 ABSENT: Tilford

Proposal No. 64, 1998, as amended, was retitled FISCAL ORDINANCE NO. 4, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the Transportation General Fund and an additional One Million Two Hundred Forty-five Thousand Nine Hundred Fifty-seven Dollars (\$1,245,957) in the Federal Grants Fund for purposes of the Department of Metropolitan Development, Division of Planning, and reducing the unappropriated and unencumbered balance in the Transportation General and Federal Grant Funds.

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(j) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Planning, to provide detailed recommendations for improving traffic congestion in Northeast Marion County. The dollars for this study and the study itself will remain under the control of the City of Indianapolis via the Department of Metropolitan Development from beginning until its conclusion. In the event that an R.T.A. (Regional Transportation Authority) is formed at a later date, such group will not be the recipient or controller of these dollars.

SECTION 2. The sum of One Million Seven Hundred Forty-five Thousand Nine Hundred Fifty-seven Dollars (\$1,745,957) 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 METROPOLITAN DEVELOPMENT</u>		
<u>DIVISION OF PLANNING</u>		<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges		<u>500,000</u>
TOTAL INCREASE		500,000
<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>		
<u>DIVISION OF PLANNING</u>		<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges		<u>1,245,957</u>
TOTAL INCREASE		1,245,957

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>500,000</u>
TOTAL REDUCTION	500,000
	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>1,245,957</u>
TOTAL REDUCTION	1,245,957

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 controller 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.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 12, 1998. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 12, 1998 on February 3, 1998. The proposal, sponsored by Councillor McClamroch, authorizes the newly appointed City Controller to sign Public Employees' Retirement Fund (PERF) documents on behalf of the City. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councilor O'Dell asked why this refers to a newly appointed Controller, and why the standing ordinance needs to be changed. General Counsel Robert Elrod stated that each time a new Controller is appointed, this ordinance must be changed, due to the fact that the name of the Controller is contained within the ordinance.

Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 12, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 12, 1998 was retitled SPECIAL RESOLUTION NO. 7, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 1998

A PROPOSAL FOR A SPECIAL RESOLUTION authorizing an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana.

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

SECTION 1. The City-County Council as the governing body of the City of Indianapolis, or its agent, is required to accept pension liability and to certify, execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

SECTION 2. The City-County Council of the City of Indianapolis and Marion County, Indiana, authorizes Ann M. Lathrop, as the Controller of the City of Indianapolis as its agent to accept pension liability, pursuant to IC 5-10.2-3-1, to execute, certify and deliver documents related to the Public Employees' Retirement Fund of Indiana, and certifies any such actions taken after January 6, 1998, and before adoption of this resolution.

SECTION 3. The authority granted by Special Resolution No. 59, 1997, is hereby rescinded.

SECTION 4. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund of Indiana.

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

PROPOSAL NO. 59, 1998. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 59, 1998 on February 5, 1998. The proposal, sponsored by Councillors Borst, Golc, and Smith, determines that a health hazard exists in the groundwater of the South Emerson, Mars Hill, and Richland (Frog Hollow) areas of Marion County, and that the appropriate remedy is the extension of water service by the Indianapolis Water Company to these areas. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst stated that in attending a neighborhood meeting in Frog Hollow, the community is thrilled that they will finally receive water. He thanked fellow Councillors for supporting this proposal. Councillor Coughenour recognized Charles Goodman, who initiated this project.

Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 59, 1998, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 59, 1998, as amended, was retitled SPECIAL ORDINANCE NO. 1, 1998, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1998

A SPECIAL ORDINANCE determining that a health hazard exists in the ground water of the South Emerson, Mars Hill, and Richland (Frog Hollow) areas of Marion County, Indiana, and that the appropriate remedy for such health hazard is the extension of water service by the Indianapolis Water Company to these areas.

WHEREAS, P.L. 221-1997, authorizes a municipal council, after confirmation by an appropriate public health agency, to determine that an area within the municipality served by private water wells suffers from a health hazard due to the presence of a contaminant, as defined in IC 13-11-2-42, and to request that the public utility providing water service within the municipality extend service to such area and add the total capital cost of doing so (including a reasonable rate of return) to its rate base; provided that, no customer's monthly payment may be increased by more than one percent (1%), without the approval of the Indiana Utility Regulatory Commission; and

WHEREAS, Article I of Chapter 711 of Title III of the Revised Code of the Consolidated City and County (Revised Code) sets out the procedure whereby the City-County Council (Council) can make such a determination and request; and

WHEREAS, the Health and Hospital Corporation of Marion County (H&HC), by and through its Marion County Health Department (MCHD), has confirmed that a health hazard exists, based on the presence in the ground water of one or more contaminants, as defined by IC 13-11-2-42, in the South Emerson, Mars Hill, and Richland (Frog Hollow) areas in Marion County, Indiana; now, therefore:

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

SECTION 1. The City-County Council now determines that a health hazard exists based on the presence in the ground water of a contaminant, as defined by IC 13-11-2-42, in the South Emerson, Mars Hill, and Frog Hollow areas of Marion County, which areas currently are served by private water wells, and further determines that the appropriate remedy for such hazard is that the Indianapolis Water Company (IWC) be required to extend to each of these areas IWC's mains and to perform the service connections, including well abandonment procedures, consistent with the cost estimates outlined below. A description of each area, the reasons for the Council's determination, and the IWC's cost estimates to extend water service to each area follow.

SECTION 2. IC 13-11-2-42 defines a contaminant as any solid, semi-solid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined in the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1989), hazardous waste (as defined by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect on January 1, 1989), any constituent of a hazardous waste, or any combination of the items described in this section, from whatever source, that:

- (1) is injurious to human health, plant or animal life, or property;
- (2) interferes unreasonably with the enjoyment of life or property; or
- (3) otherwise violates:
 - a. environmental management laws; or
 - b. rules adopted under environmental management laws.

SECTION 3. As required by Revised Code Sec. 711-112(2), the following findings and conclusions support the Council's determination for the South Emerson area:

(a) The South Emerson area (South Emerson Area) includes the 2400 and 2500 blocks on South Emerson Avenue and the 5200 and 5300 blocks on Southern Avenue. The South Emerson Area is a residential neighborhood consisting of approximately twenty-two (22) homes.

(b) IWC provides water service in the area, and the location of IWC's nearest existing water main is the northwest corner of South Emerson Avenue at Raymond Street.

(c) None of the homes in the South Emerson Area are served by IWC; all homes in the South Emerson Area have private wells as the source of drinking water.

(d) A health hazard exists in the South Emerson Area because of the presence in the ground water of the following contaminants as defined by IC 13-11-2-42: elevated levels of chloride and sodium, and the presence of potentially disease-causing bacteria. The basis for this finding is:

- (1) Samples taken by MCHD from 1993 to 1997 show chloride levels in the South Emerson Area ground water ranging from 272 parts per million (ppm) to 12,220 ppm, greatly in excess of the recommended State and Federal maximum contaminant level (MCL) of 250 ppm established by the Safe Drinking Water Act. 42 U.S.C. 300f et seq., as adopted by the State of Indiana at 327 I.A.C. 8-2 et seq. Water with chloride levels in this range cannot be used for drinking, cooking, or bathing.

- (2) MCHD samplings in 1997 show sodium levels in the ground water in the South Emerson Area to range from 100 ppm to 5300 ppm, which is above the American Heart Association's recommended 20 ppm. National Academy of Sciences 1997 study and Indiana State Department of Health's Epidemiology Resource Center. Long-term ingestion of high sodium concentrations are believed to be associated with the development of hypertension and to complicate the treatment of hypertensive patients on a salt-restricted diet.
- (3) In 1997 MCHD ground water sampling showed that 87% of the wells in the South Emerson Area had a positive test for coliform bacteria. The Environmental Protection Agency (EPA) has set the Maximum Contamination Goal at zero for the presence of coliform bacteria. Drinking water with a positive test for coliform bacteria increases the risk of one or more classes of waterborne pathogens: bacteria (*Campylobacter*, *Escherichia coli*, *Salmonella* or *Shigella*), viruses (Norwalk-like or Hepatitis A), or protozoa (*Cryptosporidium parvum* or *Giardia lamblia*), which can be fatal in "at risk" populations, such as children, the elderly, and persons whose immune systems are suppressed.
- (4) Chloride, sodium, and bacteria are contaminants as defined by IC 13-11-2-42, because they are solid, semi-solid, or liquid matter and/or pollutants that are injurious to human health and property and also interfere unreasonably with South Emerson Area residents' enjoyment of life and property as described above.
- (e) MCHD has supplied bottled water to residents of the South Emerson Area since 1994 at an average monthly cost to MCHD of \$330.00. Home treatment units are not an alternative to address the health hazard, because no drinking water treatment units are certified by the National Sanitation Foundation (NSF) for chloride removal. (National Sanitation Foundation International - May 1997). Increasing the depth of existing wells is not an alternative to address the health hazard, because drilling wells through the contaminated aquifer risks contaminating the lower aquifer and may produce inadequate water pressure should all South Emerson Area residents attempt to draw water from the lower aquifer.
- (f) IWC estimates the cost of water main extension, service line connection, and well abandonment to all structures in the South Emerson Area subject to the health hazard to be \$389,838, which consists of \$343,638 in main installation costs, and \$46,200 in service line connections and well abandonment costs. The anticipated percent IWC rate increase for this cost is 0.032%. IWC annual revenue from the reasonable rate of return (the most recent rate of return authorized by the Indiana Utility Regulatory Commission) is \$25,067.
- (g) The area benefits test established under the Community Development Block Grant (CDBG) Program defines low to moderate income level as income levels less than 80% of the median income for a four-person household in Marion County, Indiana. 24 C.F.R. Sec. 570.208(a)(1). The median income for a four-person household in Marion County, Indiana, according to 1990 Census data is \$30,100; 80% of the median income is \$24,080. West of Emerson Avenue, 90.94% of persons have incomes less than 80% of the median income. (1990 Census, Census Tract 3575, Block Group 1). East of Emerson Avenue, 19.82% of persons have incomes less than 80% of the median income. (1990 Census, Census Tract 3614, Block Group 5). The average annual household income for the South Emerson Area according to 1990 Census data is \$29,841 to \$31,871.
- (h) There are no other known potential sources of funding to extend water service to the South Emerson Area. No pending enforcement actions seek reimbursement for these expenses. The high cost of extending water service to the South Emerson Area, coupled with residents' limited financial resources, has been identified for many years as an obstacle to the extension of such service.
- (i) No water mains to which service connections can be made currently are available to the structures in the South Emerson Area proposed for connection by this ordinance.

SECTION 4. As required by Revised Code Sec. 711-112(2), the following findings and conclusions support the Council's determination for the Mars Hill area:

- (a) The Mars Hill area has two areas of concern (collectively, the Mars Hill Area). The first area (Area 1) includes the 2800 to 3100 blocks of Lyons Avenue, the 3000 block of Mars Hill Street, the 2600 block and the 3000 and 3100 blocks of Roena Street, the 2800 to 3100 blocks of Rybolt Avenue, and the 4100 block of Troy Avenue. The second area (Area 2) is the intersection of Maywood Road and Tibbs Avenue, the 3300 to 3700 blocks of Troy Avenue, and East Sixth Avenue. The Mars Hill Area is largely

residential with a concentration of businesses along Kentucky Avenue. It includes approximately 152 homes, 1 church, and 3 businesses.

(b) IWC provides water service in the area, and the location of the nearest existing water main is the southeast corner of Roena Street at Troy Avenue.

(c) None of the structures in the Mars Hill Area are served by IWC; all homes in the Mars Hill Area rely on private wells as their water source.

(d) A health hazard exists in the Mars Hill Area because of the presence in the ground water of the following contaminants, as defined by IC 13-11-2-42: elevated levels of chloride, nitrate, and volatile organic compounds (VOC), and potentially disease-causing bacteria. The basis for this finding is:

- (1) MCHD samples taken in 1997 show chloride levels in the ground water above the recommended State and Federal MCL of 250 ppm. established by the Safe Drinking Water Act. 42 U.S.C. 300f et seq., as adopted by the State of Indiana at 327 I.A.C. 8-2 et seq. Drinking water with elevated levels of chloride could complicate the treatment of hypertensive patients on salt-restricted diets.
- (2) In 1997, MCHD sampling showed nitrate levels in the ground water above the State and Federal MCL of 10 ppm established by the Safe Drinking Water Act. 42 U.S.C. 300f et seq., as adopted by the State of Indiana at 327 I.A.C. 8-2 et seq. Nitrate levels above 10 ppm are considered the result of human activity, such as fertilizers, animal waste, human fecal matter, and decaying plant material, rather than simply "background", naturally-occurring amounts. Elevated nitrate levels in drinking water can cause a disease called methemoglobinemia, or "blue baby syndrome", in infants and children. This potentially fatal disease restricts the movement of oxygen through the bloodstream. Elevated nitrate levels may also have some association with spontaneous abortions.
- (3) MCHD sampling in 1997 detected trichloroethylene (TCE) as the most commonly occurring volatile organic compound (VOC). 1997 samples range from non-detect to over 600 parts per billion (ppb). The Safe Drinking Water Act sets the TCE MCL at 5 ppb. Low to moderate TCE levels in the water and air affect the human central nervous system. Death occurs with extremely elevated TCE exposure. In addition, TCE can degrade into other compounds, some of which are more harmful to human health than TCE. For example, TCE degrades into vinyl chloride, which can cause cancer in humans and has an MCL of 2 ppb – 2.5 times less than TCE.
- (4) 1997 MCHD sampling showed a positive test for coliform bacteria in 39% of the samples. The EPA has set the Maximum Containment Goal at zero for the presence of coliform bacteria. People who drink water which has tested positive for coliform bacteria are at much higher risk for diseases carried by fecal waterborne pathogens, such as salmonellosis, E.Coli 157:07, Hepatitis A, Giardiasis, and Cryptosporidiosis, which can be fatal in "at risk" populations, such as children, the elderly, and persons whose immune systems are suppressed.
- (5) Chloride, nitrate, volatile organic compounds, and bacteria are contaminants as defined by IC 13-11-2-42, because they are solid, semi-solid or liquid matter, pollutants, and/or hazardous waste that are injurious to human health and property and also interfere unreasonably with Mars Hill Area residents' enjoyment of life and property as described above.

(e) Home treatment units are not an alternative to address the health hazard because the National Sanitation Foundation (NSF) has not certified any home treatment unit as able to remove multiple contaminants (VOC, nitrates, bacteria, chloride, and cysts), such as are found in the water in the Mars Hill Area. (National Sanitation Foundation International - May 1997). Drilling new wells in the Mars Hill Area is not an alternative because the typical depth of residential wells in this area locates the wells in an unconfined sand and gravel aquifer which is very sensitive to contamination.

(f) IWC estimates the cost of water main extension, service line connection, and well abandonment to all structures in the Mars Hill Area subject to the health hazard to be \$706,331, which consists of \$385,031 in main installation costs, and \$321,300 in service line connections and well abandonment costs. The anticipated percent IWC rate increase for this cost is 0.058%. IWC annual revenue from the reasonable rate of return is estimated to be \$45,417.

(g) The area benefits test established under the CDBG Program defines low to moderate income level as income levels less than 80% of the median income for a four-person household in Marion County, Indiana. The median income for a four-person household in Marion County, Indiana, according to 1990 Census data is \$30,100; 80% of the median income is \$24,080. In Area 1 of the Mars Hills Area, 61.91% of the persons have incomes less than 80% of the median income (1990 Census, Census Tract 3423 Block Group 3), and in Area 2 of the Mars Hill Area, 44.04% of persons have incomes less than 80% of the median income (1990 Census, Census Tract 3424, Block Group 2). The average annual household income in the Mars Hill Area is \$28,145.

(h) No other potential sources of funding for the extension of water service to the Mars Hill Area have been identified. There are no pending enforcement actions seeking reimbursement for these expenses. The high cost of extending water service, coupled with the Mars Hill Area residents' limited financial resources, has been identified for many years as an obstacle to the extension of such service.

(i) No water mains to which service connections can be made currently are available to the structures in the Mars Hill Area proposed for connection by this ordinance.

SECTION 5. As required by Revised Code Sec. 711-112(2), the following findings and conclusions support the Council's determination for the Richland (Frog Hollow) area:

(a) The Richland area (hereinafter called Frog Hollow) is bounded on the north by Troy Avenue, on the east by Division Street, on the south by Sumner Avenue, and on the west by Harding Street. Frog Hollow is primarily a residential neighborhood consisting of approximately 147 homes with approximately 28 commercial structures and 2 churches.

(b) IWC provides water service in the area, and the location of the nearest existing water main is on the north side of Sumner Avenue just west of Bluff Road.

(c) None of the structures in Frog Hollow are served by IWC; all structures in Frog Hollow rely on private wells as their water source.

(d) A health hazard exists in Frog Hollow because of the presence in the ground water of the following contaminants, as defined by IC 13-11-2-42: elevated nitrate levels, chemical contaminants, and the presence of potentially disease-causing bacteria. The basis for this finding is:

- (1) 1997 MCHD samplings did not show elevated nitrate levels in the ground water; however, MCHD samplings from previous years extending back into the mid-1980's have shown nitrate levels above the MCL of 10 ppm established by the Safe Drinking Water Act. 42 U.S.C. 300f et seq., as adopted by the State of Indiana at 327 I.A.C. 8-2 et seq. Ingestion of drinking water containing elevated levels of nitrate can cause a condition known as methemoglobinemia, or "blue baby syndrome", in infants and children. This potentially fatal disease restricts the movement of oxygen through the bloodstream. Boiling water containing elevated nitrate levels increases the concentration of nitrates, presenting a difficult choice for residents advised to boil water used for cooking and drinking in order to reduce bacteria levels.
- (2) MCHD samplings from the late 1980's to the present have detected several chemical contaminants, including volatile organic compounds (VOC's), a common component of industrial solvents, and hydrocarbons, commonly associated with fuel oil and gasoline. The Safe Drinking Water Act establishes these materials as contaminants. Many chemical contaminants are known or suspected human carcinogens. There are suspected cumulative negative health effects associated with multi-pathway exposure (drinking, bathing, and breathing) to VOC's, especially for children.
- (3) MCHD well samplings in 1997 indicate a positive test for coliform bacteria in 26% of the samples taken. The EPA has set the Maximum Containment Goal at zero for the presence of coliform bacteria. Sources for the bacteria in Frog Hollow likely include shallow wells, poorly constructed wells, susceptibility of the area to flooding, and septic system failures attributable to the unsuitability of the predominate soil type and high ground water table, resulting in surface "bleed-out" of sewage or lack of natural treatment. Drinking water with a positive test for coliform bacteria increases the risk of contracting several fecal waterborne diseases, including but not limited to salmonellosis, Hepatitis A, Campylobacter, E.Coli 0157:H7, Giardiasis, and Cryptosporidiosis, which can be fatal in "at risk" populations, such as children, the elderly, and persons whose immune systems are suppressed.

- (4) The primary drinking source for Frog Hollow is an aquifer system of unconfined sand and gravel. In addition, the area is very close to the White River, which influences and changes the direction of the ground water flow. This system is very sensitive to contamination, and ground water flow changes cause contaminant levels to vary. Low levels of contaminants at the time of any sampling cannot offer adequate assurance the water will remain free from contaminants.
- (5) Elevated nitrate levels, chemical contaminants, and bacteria are contaminants as defined by IC 13-11-2-42, because they are solid, semi-solid, or liquid matter, pollutants, and/or hazard wastes that are injurious to human health and property and also interfere unreasonably with Frog Hollow residents' enjoyment of life and property as described above.

(e) Drilling new wells in Frog Hollow is not an alternative to address the health hazard because the typical depth of residential wells in this area locates the wells in an unconfined sand and gravel aquifer that is very sensitive to contamination. Home treatment units are not an alternative to address the health hazard because the National Sanitation Foundation (NSF) has not certified any home treatment units as able to remove multiple contaminants (VOC, nitrates, bacteria, chloride, and cysts), such as are found in the water in Frog Hollow.

(f) IWC estimates the cost of water main extension, service line connection, and well abandonment to the structures in Frog Hollow subject to the health hazard to be \$1,076,206, which consists of \$784,306 in main installation costs, and \$291,900 in service line connections and well abandonment costs. The anticipated percent IWC rate increase for this cost is 0.089%. IWC's annual revenue from the reasonable rate of return is estimated to be \$69,200.

(g) The area benefits test established under the CBDG Program defines low to moderate income level as income levels less than 80% of the median income for a four-person household in Marion County, Indiana. The median income for a four-person household in Marion County, Indiana, according to 1990 Census data is \$30,100; 80% of the median income is \$24,080. 51.27% of persons in Frog Hollow have incomes less than 80% of the median income. (1990 Census, Census Tract 3801, Block Group 1). The average annual household income for Frog Hollow according to 1990 Census data is \$24,808.

(h) No other potential sources of funding for the extension of water service to Frog Hollow are known. No pending enforcement actions seek reimbursement for these costs. The high cost of extending water service to this area, coupled with residents' limited financial resources, has been identified for many years as an obstacle to the extension of such service.

(i) No water mains to which service connections can be made currently are available to the structures in Frog Hollow proposed for connection by this ordinance.

SECTION 6. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 61, 1998. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 61, 1998 on February 3, 1998. The proposal, sponsored by Councillor O'Dell, approves the sale of the real estate formerly used as the Marion County Healthcare Center at 11850 Brookville Road to the Institute in Basic Life Principles, Inc. of Oak Brook, Illinois. By a 5-0-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Talley stated that he had abstained in Committee until he could learn more about the Institute in Basic Life Principles, Inc. He said that he visited the company's existing facility on North Meridian and was allowed full access. He added that the organization is an asset to the community and he is voting in favor of the proposal.

Councillor Schneider moved, seconded by Councillor O'Dell, for adoption. Proposal No. 61, 1998 was adopted on the following roll call vote; viz:

February 9, 1998

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

Proposal No. 61, 1998 was retitled SPECIAL RESOLUTION NO. 8, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 1998

A SPECIAL RESOLUTION approving the sale of surplus real estate formerly used as the Marion County Healthcare Center to the Institute in Basic Life Principles, Inc.

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

SECTION 1. During 1997, the Marion County Board of Commissioners solicited proposals for the future use of surplus real estate, consisting of 24.78 acres containing the former Marion County Healthcare Center and related structures property.

SECTION 2. The Board of Commissioners has accepted a proposal by the Institute in Basic Life Principles, Inc., a not-for-profit corporation based in Oak Brook, Illinois, to convert the real estate into a tutorial and vocational training center. The proposal also includes an immediate and significant remodeling of the former Healthcare Center, the enhancement of the landscape, and efforts to extend water and sewer service to the property.

SECTION 3. The City-County Council, pursuant to IC 36-1-11-3(c), hereby approves the sale of the real estate per the recommendation of the Marion County Board of Commissioners.

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

NEW BUSINESS

The President stated that Proposal No. 36, 1998 is reassigned to the Economic Development Committee.

Councillor Golc asked why Councillor O'Dell still had not responded to the constituent who asked for such over three months ago. Councillor O'Dell stated that he has communicated with the individual and a letter has been drafted and changes are still being made. He stated that the letter will go out before the next Council meeting.

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

- (1) Councillor Smith in memory of Robert J. Robinson ; and
- (2) Councillor Boyd in memory of Minnie Irene Tinsky ; and
- (3) Councillors Brents and Jones in memory of John Morton-Finney.

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 Robert J. Robinson, Minnie Irene Tinsky, and John Morton-Finney. 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 8:45 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-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 9th day of February, 1998.

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)