

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

**REGULAR MEETINGS
MONDAY, MARCH 26, 1990**

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 7:00 p.m. on Monday, March 26, 1990, with Councillor SerVaas presiding.

Councillor Coughenour 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: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
1 ABSENT: Ruhmkorff

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Rhodes introduced a group of seventh-grade students from St. Richard's School and their teachers, Sue Cameron and Jim Fadely.

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.

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Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, March 26, 1990, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

March 13, 1990

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, March 15, 1990, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 158, 163 and 164, 1990, to be held on Monday, March 26, 1990, at 7:00 p.m., in the City-County Building.

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

March 16, 1990

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

Ladies and Gentlemen:

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

GENERAL ORDINANCE NO. 24, 1990, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL RESOLUTION NO. 2, 1990, approving certain public purpose grants for support of the arts.

SPECIAL RESOLUTION NO. 16, 1990, congratulating Carlton E. Curry.

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

ADOPTION OF THE AGENDA

Councillor Coughenour moved, seconded by Councillor Curry, to amend the Agenda by placing Proposal No. 186, 1990 on the Agenda for final adoption. This motion passed by unanimous voice vote.

The President proposed the adoption of the agenda as distributed with the change previously approved. Without objection, the agenda as modified was adopted.

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APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of March 12, 1990. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 218, 1990. This proposal concerns the environmental activities during April, 1990. Councillor Coughenour read the resolution and reported that the month of April will be known as "Clean and Green" in Indianapolis. Councillor Coughenour moved, seconded by Councillor Mukes-Gaither, for adoption.

President SerVaas passed the gavel to Councillor West.

President SerVaas stated that he supports Proposal No. 218, 1990, and that a clean and pollution-free environment is not just government's responsibility but it is the responsibility of all citizens.

Councillor West returned the gavel to President SerVaas.

Proposal No. 218, 1990, was adopted by unanimous voice vote.

Proposal No. 218, 1990, was retitled COUNCIL RESOLUTION NO. 55, 1990, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 1990

A COUNCIL RESOLUTION concerning the environmental activities in April, 1990.

WHEREAS, across this nation, the environment is becoming an issue of concern for all Americans; and

WHEREAS, cities and communities like Indianapolis have a responsibility to their citizens to develop and implement programs and public awareness activities that inform and involve all persons in the effort to promote a clean, safe and healthy Indianapolis; and

WHEREAS, working together in interdepartmental cooperation, the Department of Public Works, Department of Parks and Recreation, Indianapolis Clean City Committee, and other local government agencies have developed a month-long, comprehensive calendar of environment enhancing activities; and

WHEREAS, these events will be detailed by Mayor William H. Hudnut, III, and information made available about them beginning with a news conference on Thursday, March 29, 1990, at the Indianapolis Zoo; 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 encourages all citizens to lend their support to efforts to reduce pollution and promote a clean, healthy and safe environment in this community.

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

PROPOSAL NO. 40, 41, 120 and 129, 1990. President SerVaas stated that unless there were objections all these appointments would be voted on together. There were no objections. PROPOSAL NO. 40, 1990. This proposal reappoints Dan Whitmore to the Information Service Agency. PROPOSAL NO. 41, 1990. This proposal reappoints Mary Alice Buckler to the Information Service Agency. The County and Townships Committee

heard Proposal Nos. 40 and 41, 1990, on March 13, 1990. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. PROPOSAL NO. 120, 1990. This proposal reappoints Curtis Coonrod to the Information Service Agency. President SerVaas stated that he would like consent to send Proposal No. 120, 1990 back to Committee since Mr. Coonrod has resigned from city-county government service and would not be accepting the appointment to Information Service Agency. Consent was given. PROPOSAL NO. 129, 1990. This proposal reappoints Bruce Melchert to the Marion County Liquor Board. The Rules and Policy Committee heard Proposal No. 129, 1990, on March 13, 1990. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Cottingham, for adoption. Proposal Nos. 40, 41 and 129, 1990, were adopted by unanimous voice vote.

Proposal No. 40, 1990, was retitled COUNCIL RESOLUTION NO. 56, 1990, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 1990

A COUNCIL RESOLUTION reappointing Dan Whitmore to the Information Service Agency.

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 Service Agency, the Council appoints:

Dan Whitmore

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1990. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 41, 1990, was retitled COUNCIL RESOLUTION NO. 57, 1990, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 1990

A COUNCIL RESOLUTION reappointing Mary Alice Buckler to the Information Service Agency.

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 Service Agency, the Council appoints:

Mary Alice Buckler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1990. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 129, 1990, was retitled COUNCIL RESOLUTION NO. 58, 1990, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 1990

A COUNCIL RESOLUTION reappointing Bruce Melchert to the Marion County Liquor Board.

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

March 26, 1990

SECTION 1. As a member of the Marion County Liquor Board, the Council reappoints:

Bruce Melchert

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1990. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 180, 1990. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$20,379 for the Washington Township Assessor to add another technical clerk, computer terminal and typewriter to handle the increased reassessment work load and the increased backlog"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 181, 1990. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Edna Halas to the Metropolitan Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 182, 1990. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Jerald W. King to the Metropolitan Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 183, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$594,636 for the Metropolitan Emergency Communications Agency to fund a radio repair facility within the Willard Park Public Safety Answering Point"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 184, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$117,000 for the Presiding Judge of the Municipal Court to provide treatment alternatives for drug-abusing probationers"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 185, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code in order to update the funding of the county corrections fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 186, 1990. Councillor Coughenour stated that because of a printing deadline for the property tax statements, Proposal No. 186, 1990 had to be heard at this Council meeting. This proposal amends the Code dealing with the imposition of the Solid Waste Disposal User Fee. Councillor Coughenour stated that Sec. 13-303 of the Code had set February 28, 1990 as the deadline for the Public Works Department (DPW) to certify delinquent user fees, but because of reassessment this year DPW would like to change that to an agreement between the auditor and the department. Councillor Coughenour moved, seconded by Councillor Holmes, to amend Sec. 13-303 (b4) and (c) by inserting the text underlined as follows:

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(b4) The department shall certify such delinquent user fees on or before February 28, 1990, unless otherwise agreed by the auditor and the department, to the auditor. The treasurer shall collect such delinquent user fees in the same manner as property taxes are collected.

(c) The second and subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by IC 36-9-31-8(c). On or before February 28 of the year the user fees are due, unless otherwise agreed by the auditor and the department, the department shall certify such current user fees to the auditor. The treasurer shall collect such current user fees in the same manner as property taxes are collected.

This motion passed by unanimous voice vote. Councillor Coughenour moved, seconded by Councillor Mukes-Gaither, for adoption. Proposal No. 186, 1990, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West

1 NAY: Golc

1 NOT VOTING: Williams

1 NOT PRESENT: Ruhmkorff

Proposal No. 186, 1990, was retitled GENERAL ORDINANCE NO. 25, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1990

A GENERAL ORDINANCE amending the section of the Code dealing with the imposition of the Solid Waste Disposal User Fee.

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

SECTION 1. Sections 13-301, 303, 304, and 305 of the Code of Indianapolis and Marion County, Indiana, as added by G.O. No. 18, 1989, Section 1, are hereby amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 13-301. Solid Waste Disposal User Fee Imposed.

Effective October 1, 1989, there is hereby imposed a solid waste disposal user fee payable to the department of public works upon the owners of each residential and individual apartment unit within solid waste disposal special taxing district. For the purpose of this section, an owner of real property which is of a mixed residential and commercial nature shall be subject to the user fee if such property generates solid waste characteristic of residential solid waste and receives collection services provided by the City. Federal, state, and local governmental agencies, not-for-profit corporations and associations shall be subject to the user fee if such organization meets the criteria set forth in this subsection.

Sec. 13-302. Basis for Fee.

The user fee shall be used to pay the costs of facilities for waste disposal, the operation and maintenance of the disposal facility and costs incurred under put or pay contracts as set forth in IC 36-9-31-8-(h). The user fee is based upon the costs of disposal and hauling 1-1/2 tons of refuse per residential and individual apartment unit per year.

Sec. 13-303. User Fee Schedule.

(a) The following schedule shall be in effect from October 1, 1989 through December 31, 1992. The solid waste disposal user fee shall be billed semiannually. The owner of each unit shall pay a solid waste disposal user fee of sixteen dollars (\$16.00) semiannually, amounting to thirty-two dollars (\$32.00) per year. In addition to the user fee, a one-time administrative charge of three dollars (\$3.00) per unit shall be assessed against all owners to defray administrative costs. The administrative charge shall be payable with the initial installment.

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(b) (1) The initial installment shall be billed by the department of public works prior to the provision of collection services on January 1, 1990.

(2) The initial installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. The initial installment shall become delinquent if not paid in full within thirty (30) days of the billing date.

(3) Delinquent bills are subject to a ten percent (10%) penalty of the amount of the delinquent user fees, including the one-time administrative charge. All bills which become delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with I.C. §36-3-7-5.

(4) The department shall certify such delinquent user fees on or before February 28, 1990, unless otherwise agreed by the auditor and the department, to the auditor. The treasurer shall collect such delinquent user fees in the same manner as property taxes are collected.

(c) The second and subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by I.C. §36-9-31-8(c). On or before February 28 of the year the user fees are due, unless otherwise agreed by the auditor and the department, the department shall certify such current user fees to the auditor. The treasurer shall collect such current user fees in the same manner as property taxes are collected.

(d) (1) Whenever a unit does not appear on the assessment rolls, whether due to new construction or to error, and such unit has either been connected to the sanitary sewer system or has begun generating residential solid waste, whichever occurs first, the owner of such unit shall be subject to the imposition of the solid waste disposal user fee.

(2) Until the department certifies the user fees to the auditor as provided below in subsection (d)(7), the department shall bill the owner of such property.

(3) The one-time administrative charge described above in subsection (a) shall not apply to owners under this subsection (d).

(4) The department shall bill such owners for semiannual installments of the user fee according to the following schedule:

User Fee Payable	For Service Provided
May 1990	July 1990 through December 1990
November 1990	January 1991 through June 1991
May 1991	July 1991 through December 1991

For units receiving service for part of a billing cycle, the department shall prorate the user fee on a monthly basis. Such billing shall reflect the current user fee as well as any amount due for past service provided but unbilled in previous billing cycles due to new construction or erroneous omission of units.

(5) Each installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. Each installment shall become delinquent if not paid in full within seventeen (17) days of the billing date.

(6) Each delinquent installment is subject to a ten percent (10%) penalty on the amount of delinquent user fees. Each installment which becomes delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with IC 36-3-7-5.

(7) On or before February 28 each year, the department shall certify the current user fees and the delinquent user fees, if any, attributable to the owner of newly constructed or erroneously omitted units, to the auditor. The treasurer shall collect such current and delinquent user fees in the same manner as property taxes are collected. All subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by IC 36-9-31-8(c).

Sec. 13-304. Special Agreements.

Special agreements and arrangements between the department and any person may be established when, in the opinion of the director it is in the department's interest to extend disposal services to persons other than residential and apartment units. In these instances, the solid waste disposal user fee shall be determined on an individual basis using the criteria set forth in I.C. 36-9-31-8(b) and approved by the board of public works.

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Before any fee approved by the board may take effect the city-county council must by ordinance approve, reject or modify the fee.

Sec. 13-305. Adjustments to User Fees.

(a) Any person subject to this article may petition the director of the department of public works for an adjustment of the user fee assessed against him, provided:

- (1) that the petitioner has paid the disputed user fees in full; and
- (2) that the petitioner has good cause to believe such user fees were erroneously assessed against him; and
- (3) that the director has received written notice of appeal within six (6) months of the petitioner's receipt of the bill for the disputed user fees; and
- (4) that the director has received within six (6) months of the petitioner's receipt of the bill a brief statement of fact demonstrating the petitioner's right to an adjustment of the user fees.

(b) (1) The director shall appoint an account review officer (ARO) to review such petitions and to recommend action to be taken on such petitions. The ARO shall consider the petitioner's statement of fact, as well as any other relevant and material evidence available, in determining whether the petitioner is entitled to an adjustment.

(2) The ARO shall notify the petitioner of the recommendation for action to be taken on the petition. The petitioner may request a hearing to contest the recommendation, provided the petitioner makes a written request for a hearing to the ARO within fifteen (15) days of the petitioner's receipt of the notification of recommendation.

(3) An informal hearing before the ARO shall be held within fifteen (15) days of the ARO's receipt of request for hearing. The petitioner may present any evidence that is, in the ARO's view, relevant and material to the dispute.

(4) Based on the petitioner's statement of fact, evidence presented at the hearing, and any other relevant and material evidence available, the ARO shall issue a recommendation to the director of the action to be taken on the petition for adjustment.

(c) The director shall issue a final determination denying, modifying, or granting the petition for adjustment within one hundred twenty (120) days of the director's receipt of the petition for adjustment. If the director fails to issue a final determination within one hundred twenty (120) days, the petition shall be considered denied.

(d) The petitioner may appeal the director's final determination to the board of public works, provided that the board has received written notice of appeal within thirty (30) days of the petitioner's receipt of the director's final determination.

(e) The board shall notify the petitioner of the time and place of a hearing on petitioner's appeal. The petitioner shall have the burden of proving that the disputed user fees were erroneously assessed.

(f) The board shall consider any relevant and material evidence available in determining whether the petitioner is entitled to an adjustment.

(g) The board may grant, deny, or modify the petition for adjustment as it deems necessary. Upon finding that the disputed user fees were erroneously assessed, the board shall make adjustments in the disputed user fees. The board may, in its sole discretion, make such adjustments in the form of a refund or a credit against subsequent assessments of the user fees provided for in this article.

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

PROPOSAL NO. 187, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 3-way stop at the intersection of Fairwood Drive and 71st Street"; and the President referred it to the Transportation Committee.

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PROPOSAL NO. 188, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the Crooked Creek Heights Subdivision, Section 8, 9, 10 and 11; Liberty Creek Subdivision and The Trails Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 189, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Post Road and 33rd Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 190, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Butler Avenue/Haynes Avenue/Haynes Court/72nd Place and in the Buck Creek Woods, Section 1, Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 191, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 3-way stop at the intersection of Evergreen Avenue and 91st Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 192, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 193, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 194, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at the intersection of Dover Road and 64th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 195, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls, weight limit restrictions and reduction of speed limits in the community of Nora"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 196, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 197, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the Shadeland Station Office Park"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 198, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on a segment of Hampton Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 199, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on a segment of Jackson Place"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 200, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on segments of Limestone Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 201, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on a segment of State Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 202, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a passenger and materials loading zone for Darryl's on the Circle"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 203, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a passenger and materials loading zone for the Omni Severin Hotel"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 204, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on a segment of Oliver Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 205, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on a segment of Fletcher Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 206, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on Colorado Street from 10th Street to 16th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 207, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on a segment of Bellefontaine Street"; and the President referred it to the Transportation Committee.

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PROPOSAL NO. 208, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing one-way traffic on a segment of Twentieth Street"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Williams asked for consent to advance Proposal No. 165, 1990 on the Agenda. Consent was given.

PROPOSAL NO. 165, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 165, 1990, on March 14, 1990. The proposal authorizes the payment of supplemental juror fees. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Holmes, for adoption.

Councillor Rhodes asked why an increase of jurors fees was proposed now instead of at budget time. He said it was brought up during the 1990 budget process, but was rejected. Councillor Dowden responded that several judges and city-county councillors supported the increase in jurors fees at this time and there was enough money in the auditor's budget for the increase.

Proposal No. 165, 1990, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Schneider, SerVaas, Shaw, Solenberg, West, Williams*
1 NAY: *Rhodes*
2 NOT VOTING: *Gilmer, Strader*
1 NOT PRESENT: *Ruhmkorff*

Proposal No. 165, 1990, was retitled GENERAL ORDINANCE NO. 26, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1990

A GENERAL ORDINANCE supplementing the fees to be paid to jurors, as permitted by IC 33-19-1-4.

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

SECTION 1. Chapter 2, Art. X, Division 5, of the Code of Indianapolis and Marion County, Indiana is amended by inserting the language underscored to read as follows:

Sec. 2-410.5 Supplemental Juror Fees.

In addition to the fees prescribed by IC 33-19-1-4(a)(2), jurors of the Marion Circuit, Superior, and Municipal Courts and members of the grand jury shall be paid ten dollars (\$10.00) for each day the juror is in actual attendance in court until the jury is impaneled and seventeen dollars and fifty cents (\$17.50) for each day the juror is in actual attendance after impaneling and until the jury is discharged.

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

SECTION 3. Should any provision (section, paragraphs, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall become effective April 1, 1990, after its passage by the council and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 178, 1990. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 178, 1990, on March 21, 1990. The proposal extends the expiration date contained in an inducement resolution adopted on October 11, 1989 for Mobile Drilling Company, Inc.; and approving and authorizing other actions in respect thereto. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Boyd, for adoption. Proposal No. 178, 1990, was adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

3 NOT VOTING: Clark, Dowden, Durnil

1 NOT PRESENT: Ruhmkorff

Proposal No. 178, 1990, was retitled SPECIAL RESOLUTION NO. 17, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 1990

A SPECIAL RESOLUTION amending City-County Special Resolution No. 67, 1989, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 67, 1989, (the "Inducement Resolution") has been previously adopted by the City-County Council of The City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Mobile Drilling Company, Inc. (the "Company") which Inducement Resolution set an expiration date of March 31, 1990 unless the economic development revenue bonds for the Project have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of the inducement resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of March 31, 1990 contained therein and replacing said date with the date of September 30, 1990.

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

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

PROPOSAL NO. 179, 1990. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 179, 1990, on March 21, 1990. The proposal authorizes certain proceedings under Revenue Bond Authorization of IC 36-7-11.9 and IC 36-7-12 of the Economic Development Commission (H & H Steel Processing, Inc.); and approving and authorizing other actions in respect thereto. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Boyd, for adoption.

Councillor Clark stated that he supports Proposal No. 179, 1990 because it will help Franklin Township with their tax base which they need to help support their school system.

Proposal No. 179, 1990, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Strader, West, Williams

0 NAYS:

1 NOT VOTING: Solenberg

1 NOT PRESENT: Ruhmkorff

Proposal No. 179, 1990, was retitled SPECIAL RESOLUTION NO. 18, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1990

A SPECIAL RESOLUTION authorizing certain proceedings under Revenue Bond Authorization of IC 36-7-11.9 and IC 36-7-12 of the Economic Development Commission (H & H Steel Processing, Inc.); and approving and authorizing other actions in respect thereto.

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

WHEREAS, H & H Steel Processing, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development project described as a steel processing facility capable of performing slitting, cut-to-length and configured blanking services on steel of differing types and sizes containing approximately 50,000 square feet with planned expansion to 100,000 square feet, and to be located at 10321 E. Southport Road, Indianapolis, Indiana, on approximately 107.1 acres; and the acquisition, construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, and furnishings for use in the facilities (the "Project").

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately 30 at the end of one year and 50-60 at the end of three years with estimated payrolls of \$461,000 and \$950,000 respectively) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in the City of Indianapolis; now therefore;

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$3,600,000 under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires September 30, 1990 unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer by official action extends the term of this inducement resolution; and (ii) it will adopt such resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the Issuer by taking this action is not making any representation nor any assurances that any such allocable limit will be available, because (1) inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted and (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and (3) no portion of such private activity bond limit has been guaranteed for the proposed project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (provided that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NOS. 209 - 217, 1990. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 23, 1990". The Council did not schedule Proposal Nos. 209 - 217, 1990, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 209 - 217, 1990 were retitled REZONING ORDINANCE NOS. 62 - 70, 1990, and are identified as follows:

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REZONING ORDINANCE NO. 62, 1990. 89-Z-183 89-DP-13 AMENDED WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
10901 EAST 21ST STREET, INDIANAPOLIS.
JUSTUS HOME BUILDERS, INC. by Thomas Michael Quinn, requests the rezoning of 6.23 acres, being in the A-2 district, to the D-P classification to provide for the development of a residential planned unit development.

REZONING ORDINANCE NO. 63, 1990. 89-Z-210 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
2496 COUNTRY CLUB ROAD, INDIANAPOLIS.
RUTH T. DUNNE, by Sherwood Hill, requests the rezoning of 57.7 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 64, 1990. 89-Z-233 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
6402 WEST 71ST STREET, INDIANAPOLIS.
SOURWINE COMPANY, by Philip A. Nicely, requests the rezoning of 20 acres, being in the A-2 district, to the C-S classification to provide for the development of an integrated community shopping center, office center and residence inn.

REZONING ORDINANCE NO. 65, 1990. 90-Z-30 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 16
510 THROUGH 530 NORTH SENATE AVENUE, INDIANAPOLIS.
DEPARTMENT OF METROPOLITAN DEVELOPMENT DIVISION OF ECONOMIC AND HOUSING DEVELOPMENT requests the rezoning of 0.496 acres, being in the I-3-U/RC district, to the CBD-2/RC classification to provide for the construction of an off-street parking garage accessory to the owner's proposed international headquarters office building.

REZONING ORDINANCE NO. 66, 1990. 90-Z-31 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
2702 NATIONAL AVENUE, INDIANAPOLIS.
JOE AND JULIANNE GILLILAND, by Thomas Michael Quinn, requests the rezoning of 5.69 acres, being in the SU-1 district, to the I-3-S classification to provide for the development of a 10,300 square foot building to be used for industrial use with no outside storage.

REZONING ORDINANCE NO. 67, 1990. 90-Z-32 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 17
3703 OLIVER AVENUE, INDIANAPOLIS.
WAYNE POST 64, AMERICAN LEGION requests the rezoning of 24.52 acres, being in the C-1 district, to the SU-34 classification to provide for existing use as an American Legion Post Headquarters and club room and to construct a shelter house for use of other veterans organizations and the general public.

REZONING ORDINANCE NO. 68, 1990. 90-Z-33 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 15
125 NORTH SHORTRIDGE ROAD, INDIANAPOLIS.
EASTGATE DEVELOPMENTS, INCORPORATED, by Ted Nicholas, requests the rezoning of 0.81 acres, being in the D-3 district, to the C-1 classification to provide for the construction of an office building.

REZONING ORDINANCE NO. 69, 1990. 90-Z-34 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 23
2120 SOUTH SHERMAN DRIVE, INDIANAPOLIS.
THOMAS EDWARDS, by Gregg H. Morelock, requests the rezoning of 2.3 acres, being in the D-3 and C-4 district, to the C-4 classification to provide for the construction of a catering service with parking.

REZONING ORDINANCE NO. 70, 1990. 90-Z-35 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 21
501 SOUTH ILLINOIS STREET, INDIANAPOLIS.
MORRIS CALDERON requests the rezoning of 1.5 acres, being in the C-S/RC district, to the I-3-U/RC classification to provide for the continued operation of wholesale distribution with parking.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 158, 1990. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 150, 1990, on March 13, 1990. The proposal appropriates \$917 for the Franklin Township Assessor to pay the Treasurer for postage that was used to mail 1989 reassessment notices. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Rhodes, for adoption. Proposal No. 158, 1990, was adopted on the following roll call vote; viz:

- 26 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Strader, West, Williams*
- 0 NAYS:
- 2 NOT VOTING: *Clark, Solenberg*
- 1 NOT PRESENT: *Ruhmkorff*

Proposal No. 158, 1990, was retitled FISCAL ORDINANCE NO. 21, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City- County Fiscal Ordinance No. 88, 1989) appropriating an additional Nine Hundred Seventeen Dollars (\$917) in the Property Reassessment Fund for purposes of the Franklin Township Assessor's Office and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (P) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Franklin Township Assessor's Office to pay the Marion County Treasurer for postage that was used to mail 1989 reassessment notices.

SECTION 2. The sum of Nine Hundred Seventeen Dollars (\$917) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>FRANKLIN TOWNSHIP ASSESSOR'S OFFICE</u>	<u>PROPERTY REASSESSMENT FUND</u>
3. Other Services and Charges	<u>\$917</u>
TOTAL INCREASE	<u>\$917</u>

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

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered	
Property Reassessment Fund	<u>\$917</u>
TOTAL REDUCTION	<u>\$917</u>

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

PROPOSAL NO. 163, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 163, 1990, on March 14, 1990. The proposal appropriates \$568,070 for the Prosecutor, Sheriff and Auditor to continue with the

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third year of shared funding of the Metro Drug Task Force Grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams stated that she would be voting "no" on this proposal because of the "rambo-like" way the Indianapolis Police Department conducted a drug raid in her district that was never fully reported or investigated.

The President called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 163, 1990, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West*
2 NAYS: *Moriarty, Williams*
1 NOT PRESENT: *Ruhmkorff*

Proposal No. 163, 1990, was retitled FISCAL ORDINANCE NO. 22, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Five Hundred Sixty-Eight Thousand Seventy Dollars (\$568,070) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney, County Sheriff and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (w) (z) and (b) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for the above noted agencies to continue with the third year of shared funding of the Metro Drug Task Force Grant.

SECTION 2. The sum of Five Hundred Sixty-eight Thousand Seventy Dollars (\$568,070) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANT FUND</u>
1. Personal Services	\$103,586
2. Supplies	6,000
3. Other Services and Charges	366,283
4. Capital Outlay	36,965
<u>COUNTY SHERIFF</u>	
1. Personal Services	27,838
<u>COUNTY AUDITOR</u>	
1. Personal Services	<u>27,398</u>
TOTAL INCREASE	\$568,070

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grant Fund	<u>\$568,070</u>
TOTAL REDUCTION	\$568,070

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

PROPOSAL NO. 164, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 164, 1990, on March 14, 1990. The proposal appropriates \$9,000 for the Prosecutor, Division of Addiction Services, to use for drug testing reagents. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Shaw stated that he will be distributing to all Councillors a study conducted by the University of Michigan regarding drug testing.

The President called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 164, 1990, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS:

1 NOT VOTING: *Howard*

1 NOT PRESENT: *Ruhmkorff*

Proposal No. 164, 1990, was retitled FISCAL ORDINANCE NO. 23, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Nine Thousand Dollars (\$9,000) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (W) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of providing the Prosecuting Attorney supplemental funds to be used in the Division of Addiction Services for drug testing reagents.

SECTION 2. The sum of Nine Thousand Dollars (\$9,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANT FUND</u>
2. Supplies	\$9,000
TOTAL INCREASE	\$9,000

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered State and Federal Grant Fund	\$9,000
TOTAL REDUCTION	\$9,000

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

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SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 232, 1989. Councillor Gilmer reported that Proposal No. 232, 1989, was introduced on April 10, 1989 by Councillor Durnil. The proposal amends the Code by authorizing a traffic signal at the intersection of Franklin Road and Orchid Lane. The Department of Transportation (DOT) believes that flashing caution lights, not a traffic signal, would best correct the problem in that area. On March 21, 1990 the Transportation Committee voted 3-2 to strike Proposal No. 232, 1989. Councillor Gilmer moved to strike Proposal No. 232, 1989.

Councillor Durnil stated that on the east side of Franklin Road is a school and on the west side is a park. The residents in this area want a flasher light that has a manually operated push-button so that children can operate this light and cross the street safely. There have been two accidents at this location and one child was fatally injured. He asked that the Councillors vote against this motion to strike.

Councillor Howard moved for adoption of Proposal No. 232, 1989.

Councillors Clark, Strader and Rhodes stated their support for Councillor Durnil since he represents the people from that district and knows what their needs are.

Councillor Coughenour stated her support for Councillor Durnil because, in her opinion, any place where pedestrian traffic has to cross a busy street warrants a push-button controlled signal.

Councillor Gilmer withdrew his motion to strike and Councillor Howard withdrew his motion for adoption.

Councillor Rhodes moved, seconded by Councillor Durnil, to amend Proposal No. 232, 1989, Section 2, by changing the Preferential Street from "None" to Franklin Road and changing the Type of Control from "Signal" to "Pedestrian Controlled Signal". This motion passed by unanimous voice vote.

Councillor Gilmer moved, seconded by Councillor Durnil, for adoption of Proposal No. 232, 1989, as amended. Proposal No. 232, 1989, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

1 NOT PRESENT: Ruhmkorff

Proposal No. 232, 1989, was retitled GENERAL ORDINANCE NO. 27, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 1990

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 4	Franklin Rd & Orchid Le	Franklin Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 4	Franklin Rd & Orchid Le	Franklin Rd	Pedestrian Controlled Signal

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

PROPOSAL NO. 582, 1989. Councillor Coughenour reported that Proposal No. 582, 1989, was introduced on October 23, 1989. The proposal amends a chapter of the Code dealing with Solid Waste. This proposal is meant to correct the problem of illegal dumping which is costing the city more than \$1 million a year. The main revisions in the ordinance are:

- * a generator will be subject to a fine if he/she pays an unlicensed hauler who dumps his/her trash illegally;
- * the same generator also would be liable for paying the city's cost to clean up the illegally dumped trash;
- * a hauler using a non-commercial vehicle for trash pickup would be required to post on the vehicle a bright red sticker, which the city will issue and which will list the trash hauler's license number;
- * a generator who hires a licensed hauler will receive a receipt for his/her trash from the hauler, which will contain the hauler's license number and thus help trace any trash illegally dumped by the hauler.

Councillor Coughenour stated that by a 6-0 vote on March 15, 1990, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Patrick Stevens, Director of the Department of Public Works (DPW), stated that the amendments in Proposal 582, 1989, shifts the burden of responsibility of solid waste disposal from government to the generator. DPW will conduct a public relations campaign to educate the public about the changes in this ordinance.

Councillors Borst and Schneider opposed the amended proposal because, in their opinion, it is unfair to fine the people of the community for illegally dumped trash, the majority of whom will not realize that they are responsible for the illegally dumped trash.

Councillors Clark, Howard and Irvin voiced their support for the changes in the proposal because illegally dumped trash is a huge problem in the community and they believe this proposal is a step in the right direction.

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Councillor Williams stated her support for the revised proposal and encouraged communication between DPW, the Indianapolis Police Department and the Sheriff's Department on this issue.

Councillor Schneider moved, seconded by Councillor Strader, to send Proposal No. 582, 1990, as amended, back to committee.

President SerVaas passed the gavel to Councillor West.

President SerVaas stated that next to crime the increase in illegal dumping of waste, including hazardous waste, is one of the biggest problems facing the community. If this proposal is sent back to committee, the only action the Committee could take is to loosen it and make it less applicable. He stated that, in his opinion, the Council should pass it, but be alert to any abnormalities in the administration of this system so that it can be modified after it is passed.

Councillor West returned the gavel to President SerVaas.

Councillor Coughenour noted that the Public Works Committee had struggled with this proposal for two months. Fortunately it is not a constitutional amendment, and it can be revised.

Councillor Brooks stated that if the community is interested in taking care of the environmental concerns, the people have to be made aware that it is unacceptable to give their trash to somebody who they do not know and it is also unacceptable to not know where that person is taking it.

Councillor Boyd stated that this proposal is an effort to deal with those people who have made a vocation of illegal dumping and who have been getting away with it. He urged the Council to take action on Proposal No. 582, 1989, as amended.

Councillor West called the previous question.

Councillor Schneider's motion to send Proposal No. 582, 1989, as amended, back to committee failed on a voice vote.

Coughenour moved, seconded by Councillor Brooks, for adoption. Proposal No. 582, 1989, was adopted on the following roll call vote; viz:

21 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, West, Williams

5 NAYS: Borst, Curry, Durnil, Schneider, Strader

2 NOT VOTING: Dowden, Golc

1 NOT PRESENT: Ruhmkorff

President SerVaas asked Councillor Coughenour to have regular reviews on this ordinance by the Public Works Committee.

Proposal No. 582, 1989, was retitled GENERAL ORDINANCE NO. 28, 1990, and reads as follows:

Journal of the City-County Council

CITY-COUNTY GENERAL ORDINANCE NO. 28, 1990

A GENERAL ORDINANCE amending a chapter of the Code dealing with Solid Waste.

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

SECTION 1. Article 1 of Chapter 13 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the text which is underlined and deleting the text which is stricken-through, so as to read as follows:

ARTICLE I. IN GENERAL

Sec. 13-1. Definitions.

The following definitions shall apply in this chapter, unless otherwise indicated clearly by text:

(1) Containerized collection means all mechanized collection of solid waste from dumpsters by front loading, rear loading and roll-off vehicles.

(2) Dumpster means a receptacle used to contain solid waste and designed for mechanical pick up and provided by a hauler for use by the customer.

(3) Garbage means all putrescible animal solid, vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving or consumption of food or food materials, excluding human excreta.

(4) Incinerator means any apparatus to burn waste substances in which all the factors of combustion--temperature, retention time, turbulence and combustion air--can be controlled.

(5) Landfill means a sanitary landfill.

(6) Noncommercial vehicle means a vehicle used for the purpose of transporting solid waste including, but not limited to, pick-up trucks, cars, vans, dump trucks, and U-hauls and shall not mean rear loaders, front loaders, roll-off trucks, roll-off containers or sideloaders.

(7) Processing means the method, system or other treatment of solid wastes so as to change their chemical or physical form or affect it for disposal or recovery of material, but excluding vehicles for transportation or landfills.

(8) Recycling station means a facility for the processing or storage of separated solid wastes prior to transportation to markets.

(9) Refuse means all putrescible and nonputrescible solid and semi-solid wastes, except human excreta, but including ashes, street cleanings, offal and solid commercial, industrial and institutional wastes.

(10) Residential solid waste means all refuse, garbage and rubbish generated by persons in non-commercial settings, and may include food wastes, paper, cardboard, bottles, metal cans, plastics, cloth, wood, tarp, Christmas trees, accumulations of leaves, grass or shrubbery cuttings and other refuse attending the care of lawns, shrubbery, vines, trees, and tree limbs. Residential solid waste shall not include discarded building materials, trees, brush and other vegetation resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services, larger quantities of sod, dirt and trash from land clearing and other materials requiring special handling.

(11) Rubbish means all nonputrescible solid wastes, such as card-board, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubbish, leather, crockery, and other waste materials that ordinarily accumulate around a home, business or industry.

(12) Salvaging means the controlled removal of materials from solid wastes for utilization.

(13) Sanitary landfill means an engineering method of disposing of refuse on land in a manner that protects the public health and environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with compacted soil at the end of each working day.

(14) Solid waste means all rubbish, garbage ~~or~~ and refuse.

March 26, 1990

Sec. 13-2. Deposit of waste materials on premises of another.

(a) It shall be unlawful for any person to deposit or place upon real estate owned by another, any solid waste, without the approval of the owner or lessee of such real estate.

(b) Whenever any person shall be charged with a violation of this section, it shall be a sufficient allegation of a prima facie offense to the state that such person deposited of a prima facie offense to the state that such person deposited the solid waste described in subsection (a) upon property of which he was not then the owner or lessee. It shall be a matter of affirmative defense for the person to show that he had permission of the owner or lessee to so deposit such solid waste, if such was the case.

(c) It shall be unlawful for a generator of solid waste to transfer such solid waste to any other person who subsequently disposes of it in violation of subsection (a). This subsection shall not apply to a generator who either transfers solid waste to a person licensed by the city at the time of transfer to haul solid waste or who sets out residential solid waste on a regularly scheduled collection day according to the rules and regulations for the preparation, set-out and collection of solid waste promulgated by the department of public works.

(1) A person licensed by the city to haul solid waste who collects solid waste in a noncommercial vehicle shall provide a receipt for a transaction wherein he agrees to haul the solid waste of another, except as provided in subsection (c) (3). The licensed hauler collecting solid waste in a noncommercial vehicle shall affix to such receipt a sticker bearing his licensed number.

(2) Stickers bearing the license number of a licensed hauler collecting solid waste in a noncommercial vehicle shall be made available through the department of public works.

(3) A licensed hauler collecting solid waste in a noncommercial vehicle shall provide such a receipt for occasional or single transactions. A licensed hauler collecting solid waste in a noncommercial vehicle shall not be required to provide such receipts to customers receiving regularly scheduled services which are documented in the records of such hauler; provided, however, that a licensed hauler collecting solid waste in a noncommercial vehicle shall provide a receipt to a regular customer for a transaction outside the scope of regularly scheduled services.

~~(c)~~ (d) Any person who violates this section shall be punishable by a fine of not less than five hundred dollars (\$500.00) and an order for such persons to reimburse each appropriate city department for its reasonable costs incurred in correcting conditions caused by the violation. In addition, the court may order that the vehicle used in the unlawful dumping, owned by the person, be impounded for a period not to exceed ninety (90) days.

~~(d)~~ (e) Any person who violates this section by unlawfully dumping a hazardous waste as defined by the Indiana Environmental Management Act, IC 13-7-1-1 et seq. and the regulations thereunder or the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. and the regulations thereunder, shall be punishable by a fine of not less than five hundred dollars (\$500.00) and order for its reasonable costs incurred in correcting conditions caused by the violation, and the court shall order that the vehicle used in the unlawful dumping, owned by the person, be impounded for a period of not less than ten (10) days and not greater than ninety (90) days.

(f) All monies recovered by the city from enforcement actions brought under this section, exclusive of court costs, shall be allocated to the department of public works and shall be deemed a reimbursement to the department for its expenses in monitoring unlawful dumping and enforcing the provisions of this section.

Sec. 13-3. Duty to prepare solid wastes for collection.

Any person accumulating residential solid waste on any premises owned or controlled by him, and desiring ~~the~~ such solid waste to be collected and removed by the City or persons under contract with or licensed by the city, shall prepare and set out such solid waste according to the rules and regulations promulgated by the department of public works ~~deposit it in cans or other suitable containers meeting the requirements of this chapter, and shall place such cans or containers in an alley or at the curb or inner edge of the roadway of a street abutting on the premises, or at some other location acceptable to both the person desiring collection and removal and the licensee. Residential Solid waste prepared and set out deposited~~ in this manner is presumed to be abandoned, and the owner's rights in ~~the~~ such solid waste are relinquished upon collection and removal by the city, or persons under contract with or licensed by the city.

Sec. 13-4. Requirements for containers and dumpsters.

It shall be unlawful for any occupant of any dwelling, house, building or structure of any kind or description ~~whatsoever~~ ~~whatever~~ to fail to use containers and/or dumpsters which meet the specifications set forth in the rules and regulations promulgated by the department of public works ~~receptacles or refuse sacks meeting specifications of the board of public works or other governmental entity, and to place them as prescribed in such~~

rules and regulations in this chapter so they are readily accessible to the city collectors or persons under contract with or licensed by the city to collect such solid wastes.

Sec. 13-5. Disposal of leaves. Unchanged.

Sec. 13-6. Unlawful collection and transportation. Unchanged.

Sec. 13-7. Use of processing or disposal facility. Unchanged.

Sec. 13-8. Sanitary landfills; license required, fee. Unchanged.

Sec. 13-9. Activities exempt from this chapter. Unchanged.

Sec. 13-10. Saturday disposal fees imposed. Unchanged.

Sec. 13-11. Name changes of Apartments and Condominiums.

All apartments and condominiums shall notify the director of the department of public works or his authorized representative thirty (30) days in advance of any change of name of such facility.

Sec. 13-12. Services for Apartments and Condominiums.

Any apartment or condominium constructed after January 1, 1990 shall receive:

(1) a maximum of three (3) pickups of residential solid waste per week if such facility receives containerized collection; or

(2) a maximum of one (1) pick up of residential solid waste per week if such facility receives hand collection.

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

PROPOSAL NO. 159, 1990. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 159, 1990, on March 20, 1990. This proposal approves the use of Community Development Block Grant funds for the Indianapolis Neighborhood Housing Partnership.

Councillor Borst recognized Tom Creasser, Administrator of the Indianapolis Neighborhood Housing Partnership; John Labaj, Administrator of the Division of Economic and Housing Development; Chris Glancy, Deputy Administrator of the Division of Economic and Housing Development; and Mike Higbee, Director of the Department of Metropolitan Development; all of whom had attended this Council meeting in support of Proposal No. 159, 1990.

By a 7-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Irvin, for adoption. Proposal No. 159, 1990, was adopted on the following roll call vote; viz:

20 YEAS: Borst, Brooks, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Holmes, Howard, Irvin, Jones, Moriarty, Mukes-Gaither, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

8 NOT VOTING: Boyd, Clark, Dowden, Golc, Hawkins, McGrath, Rhodes, Schneider

1 NOT PRESENT: Ruhmkorff

Proposal No. 159, 1990, was retitled SPECIAL RESOLUTION NO. 19, 1990, and reads as follows:

March 26, 1990

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1990

A SPECIAL RESOLUTION approving the amount, location and operation of a certain project to be funded from Community Development Block Grant Funds.

WHEREAS, on September 25, 1989, the City-County Council of the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 88, 1989, 1990 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

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

Section 4.01. STATE, LOCAL AND FEDERAL GRANTS.

(a) 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 regulations in order to apply for and receive, such state and federal grants for payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance. Provided, however, that until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent; and

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a program for housing revitalization, utilizing Community Development Block Grant Funds to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amount, location and programmatic operation of the project submitted by the Department of Metropolitan Development, should be approved; now, therefore:

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

SECTION 1. The Indianapolis Neighborhood Housing Partnership, utilizing Community Development Block Grant Funds, submitted to the Council by the Department of Metropolitan Development, a summary which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amount, location and programmatic operation of the project set forth therein, is hereby approved.

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

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

PROPOSAL NO. 160, 1990. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 160, 1990, on March 20, 1990. This proposal approves the transfer of certain territory from the Consolidated City of Indianapolis to the City of Lawrence. By a 4-1-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Gilmer, for adoption.

Councillor Brooks stated he would be abstaining due to a conflict of interest.

Proposal No. 160, 1990, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS:

4 NOT VOTING: *Boyd, Brooks, Golc, Hawkins*

1 NOT PRESENT: *Ruhmkorff*

Proposal No. 160, 1990, was retitled GENERAL ORDINANCE NO. 29, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 1990

A GENERAL ORDINANCE approving transfer of certain territory from the Consolidated City of Indianapolis to the City of Lawrence.

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

SECTION 1. The owners of the real estate described in section 2 of the ordinance having petitioned the City of Indianapolis to disannex such territory and having petitioned the City of Lawrence to annex such territory, the transfer of such territory from the Consolidated City of Indianapolis to the City of Lawrence is hereby approved, effective upon the City of Lawrence approving such transfer.

SECTION 2. Sec. 111-1 of the "Revised Code of the Consolidated City" be and is hereby amended to reflect the change in boundaries of the Consolidated City by adding a new paragraph (4) reading as follows:

"(4) Disannexation to City of Lawrence. The following territory is transferred to the City of Lawrence:

Part of the West Half of the Southwest Quarter of Section 20, part of the Southeast Quarter of the Southeast Quarter of Section 19, all in Township 17 North, of Range 5 East in Marion County, Indiana, more particularly described as follows:

Beginning at a point in the centerline of Fall Creek Road (as established December, 1979) which bears South 89 degrees 20 minutes 49 seconds West 244.45 feet from the Southeast corner of said Southeast Quarter Quarter Section (the next six courses are along said Fall Creek Road); (1) thence North 25 degrees 12 minutes 00 seconds East 94.41 feet; (2) thence North 30 degrees 57 minutes 14 seconds East 239.67 feet; (3) thence North 31 degrees 16 minutes 24 seconds East 148.92 feet to a point on the West line of the West half of the Southwest Quarter of said Section 20, said point bears North 00 degrees 30 minutes 16 seconds West 415.47 feet from the Southwest corner of said West half; (4) thence continue North 31 degrees 16 minutes 24 seconds East 21.73 feet; (5) thence North 30 degrees 45 minutes 00 seconds East 250.00 feet; (6) thence North 31 degrees 15 minutes 18 seconds East 12.71 feet to a point on a curve having a radius of 509.00 feet, the radius point of which bears South 31 degrees 35 minutes 44 seconds West; thence Southerly along said curve 247.95 feet to a point which bears North 59 degrees 30 minutes 20 seconds East from said radius point; thence South 30 degrees 29 minutes 40 seconds East 258.37 feet to a curve having a radius of 509 feet, the radius point of which bears North 59 degrees 30 minutes 20 seconds East; thence Easterly along said curve 535.03 feet to a point on the South line of the West half of said Southwest Quarter Section, said point bears south 00 degrees 43 minutes 13 seconds East from said radius point; thence South 89 degrees 16 minutes 47 seconds West upon and along said south line and the centerline of E. 79th Street 890.13 feet to the Southwest corner of said half quarter section; thence South 89 degrees 20 minutes 49 seconds West along the South line of said Southeast Quarter Quarter and said centerline 244.45 feet to the Place of Beginning, containing 7.16 acres more or less.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14 and approval by the City of Lawrence of the annexation of the territory.

SECTION 4. The clerk shall file a copy of the ordinance, upon adoption, with the designated official of the State Board of Tax Commissioners and with the Clerk of the Circuit Court of Marion County.

PROPOSAL NO. 167, 1990. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 167, 1990, on March 21, 1990. This proposal amends the Code by authorizing special parking privileges for police vehicles. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer stated that he had an amendment to Proposal No. 167, 1990, which was clerical in nature. Councillor Gilmer moved, seconded by Councillor Cottingham, to amend Proposal No. 167, 1990 by renumbering Section 3 as Section 4, and adding a new Section 3 to read as follows:

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

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Wabash Street, on the south side, from
New Jersey Street to a point 146 feet
east of New Jersey Street

This motion passed by a unanimous voice vote.

Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption of Proposal No. 167, 1990, as amended. Proposal No. 167, 1990, as amended, was adopted on the following roll call vote; viz:

21 YEAS: *Borst, Brooks, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Solenberg, West, Williams*

6 NAYS: *Boyd, Clark, Durnil, Howard, Shaw, Strader*

1 NOT VOTING: *Golc*

1 NOT PRESENT: *Ruhmkorff*

Proposal No. 167, 1990, was retitled GENERAL ORDINANCE NO. 30, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-283, Parking meter zones designated.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-283, Parking meter zones designated, be, and the same is hereby amended by the deletion of the following, to wit:

TWO HOURS

Wabash Street, on the south side, from a point
135 feet east of the east curbline of
New Jersey Street to East Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-266, Special parking privileges for certain persons or vehicles in certain locations, be, and the same is hereby amended by the addition of the following, to wit:

- (1) Any vehicles, so marked, of the city police department, the county sheriff, the state police and the United States Marshall, and no others, may park at any time, from 6:00 a.m. to 6:00 p.m. in the following locations:

Wabash Street, on the south side, from East Street
to a point 146 feet east of New Jersey Street

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

Wabash Street, on the south side, from
New Jersey Street to a point 146 feet
east of New Jersey Street

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

ANNOUNCEMENTS AND ADJOURNMENTS

Councillor Strader reported that at the end of 1989 the Council passed a resolution which established a task force to study poor relief. The task force gave the Community Affairs Committee an excellent progress report on March 13, 1990, and asked to be allowed to continue its work until June 25, 1990. The enabling legislation for this task force called for the study to end in March, 1990, unless the Council President granted an extension based upon its making good progress. The Committee voted unanimously to ask for a three-month extension for the Poor Relief Task Force to finish its study. Councillor West moved, seconded by Councillor Strader, to grant the Poor Relief Task Force a three-month extension. This motion passed by a unanimous voice vote.

Dave Arland, Executive Assistant/Media Relations in the Mayor's Office, announced that President George Bush will visit the City on April 3, 1990 to plant the first tree in the City's "Trees for Tomorrow" campaign. Special provisions have been made at the ceremony for the Councillors who are planning to attend.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:55 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 26th day of March, 1990.

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

Beert Serwaas

President

Kenneth J. Kypri-Deck

Clerk of the Council

ATTEST:

(SEAL)