

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

**REGULAR MEETINGS
MONDAY, AUGUST 27, 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 5:05 p.m. on Monday, August 27, 1990, with Councillor SerVaas presiding.

Councillor Giffin led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Golc introduced Carlos Franck, President of the Rio Grande do Sul State Federation of Neighborhood Associations, and his interpreter, Thomas Tomaselle.

Councillor Gilmer introduced Albert Watson, Chairman of the World War II National Commemorative Association. Councillor Gilmer also recognized the following members of Troop 170, North Star District, Boy Scouts of America, who are working on their "Citizenship in the Community" Merit Badges: Michael Daly, Matt White, Chris Cooper, Dan Nahrwald, Tim Olsen, Nick Palmer, Michael Suzuki, John Meyers, Kyle Vest, Brandt Robertson, Regan Robertson and Kris Iwamoto. Present with Troop 170 were Cub Scout Cody Cooper and Chuck, Susan and Megan White.

OFFICIAL COMMUNICATIONS

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, August 27, 1990, at 5:00 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

August 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, August 16, 1990, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 424, 474 and 487, 1990, to be held on Monday, August 27, 1990, at 5:00 p.m., in the City-County Building.

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

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-Dick, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 83, 1990, amending the City-County annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Sixty Thousand Dollars (\$60,000) in the Surveyor's Corner Perpetuation Fund.

FISCAL ORDINANCE NO. 84, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Fifty-three Thousand Dollars (\$53,000) in the State & Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor and reducing the unappropriated and unencumbered balance in the State & Federal Grants Fund.

FISCAL ORDINANCE NO. 85, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional One Hundred Twenty-five Thousand Dollars (\$125,000) in the Prosecutor's Diversion Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the Prosecutor's Diversion Fund.

FISCAL ORDINANCE NO. 86, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Two Hundred Seventy-five Thousand Dollars (\$275,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated the Law Enforcement Fund.

FISCAL ORDINANCE NO. 87, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Sixty-one Thousand Dollars (\$61,000) in the Law

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Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

FISCAL ORDINANCE NO. 88, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Sixty-seven Thousand Dollars (\$67,000) in the County Corrections Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 89, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional (\$1,000) in the County General Fund for purposes of the Perry Township Assessor and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 90, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Seven Thousand Eight Hundred Dollars (\$7,800) in the County General Fund for purposes of the Superior Court No. 5, Civil Division and reducing certain other appropriations for that court.

FISCAL ORDINANCE NO. 91, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional Thirty-five Thousand Dollars (\$35,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations for that Agency.

GENERAL ORDINANCE NO. 96, 1990, amending the Revised Code of the Consolidated City and County by adding a new Chapter 866 authorizing the negotiation, but not the executing or granting of, district cooling system franchises and establishing general requirements for such franchises in the downtown.

GENERAL ORDINANCE NO. 97, 1990, amending the Code of Indianapolis and Marion County by amending Chapter 28 to authorize the Department of Transportation to issue permits to a district chilled water franchise holder and amending Chapter 2 to establish a "district cooling system franchise fee fund."

GENERAL ORDINANCE NO. 98, 1990, amending the "Code of Indianapolis and Marion County, Indiana," section 29-244, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 99, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-136, Schedule of intersection controls.

GENERAL ORDINANCE NO. 100, 1990, amending the Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 101, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 102, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 103, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 104, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 105, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-283, Parking meter zones designated.

GENERAL ORDINANCE NO. 106, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-267, Parking prohibited at all times on certain streets.

SPECIAL ORDINANCE NO. 10, 1990, granting a District Cooling System Franchise and authorizing the execution of a franchise agreement for said franchise.

SPECIAL ORDINANCE NO. 11, 1990, authorizing the issuance and sale to The Indianapolis Local Public Improvement Bond Bank of the City of Indianapolis Public Safety Communications and Computer Facilities District Notes, Series 1990A, in a principal amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000), for the purpose of procuring funds to pay the costs of all or part of a computer-aided dispatch system and a radio system for the purpose of improving public safety communications in Marion County and appropriating the proceeds of the Notes.

SPECIAL ORDINANCE NO. 12, 1990, authorizing the issuance and sale of bonds by the Board of Commissioners of the County of Marion (the "Board") for the purpose of making a loan to procure funds necessary to be advanced by Marion County to Center Township for poor relief purposes and to pay the expenses in connection with or on account of the issuance of such bonds, and appropriating the proceeds of such bonds.

GENERAL RESOLUTION NO. 5, 1990, authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component diagnostic testing program.

GENERAL RESOLUTION NO. 6, 1990, authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component substance abuse treatment program.

SPECIAL RESOLUTION NO. 45, 1990, concerning the Indianapolis Shakespeare Festival.

SPECIAL RESOLUTION NO. 46, 1990, recognizing Fountain Square Youth Corps.

SPECIAL RESOLUTION NO. 47, 1990, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of August 6, 1990. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 523, 1990. The proposal supports the American Legion. Indianapolis is the national Headquarters of the American Legion and host to their 72nd annual convention. Councillor Gilmer read the resolution and presented a framed document to Bob Spanogle, National Adjutant of the American Legion, who expressed his appreciation for the recognition. Councillor Gilmer moved, seconded by Councillor Irvin, for adoption. Proposal No. 523, 1990, was adopted by unanimous voice vote.

Proposal No. 523, 1990, was retitled SPECIAL RESOLUTION NO. 48, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 1990

A SPECIAL RESOLUTION supporting the American Legion.

WHEREAS, Indianapolis is proud to have been the National Headquarters of the American Legion since 1919, when the United States Congress chartered this organization of wartime veterans; and

WHEREAS, this national organization of veterans now represent those who have served their country during World War I, World War II, the Korean War and the Vietnam War; and

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WHEREAS, the American Legion spearheaded the development and adoption of the United States Flag Code, and the several laws enacted to protect the Flag of the United States; and

WHEREAS, now three million members strong, the American Legion is asking the federal government and state governments throughout the union to adopt and ratify a Constitutional Amendment to give Congress the power to enact legislation protecting the Flag of the United States from desecration; and

WHEREAS, the City of Indianapolis, her citizens and elected officials, salute the American Legion and twenty-five thousand veterans, auxiliary and sons of the American Legion attending the 72nd Annual National Convention in Indianapolis; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the many positive benefits that veterans' reunions, history symposiums and similar events can bring to the citizens of this community and to the veterans and their families.

SECTION 2. The Council proudly offers its encouragement and support of the efforts of the American Legion to honor the men and women who have given so much of themselves in the name of liberty and freedom.

SECTION 3. The Council urges all citizens to wholeheartedly welcome the thousands of veterans who are here in Indianapolis to seek a better understanding of the wartime conflicts from World War I through the Vietnam War.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 524, 1990. The proposal concerns small claims courts, and it requests the Supreme Court of Indiana to review a March ruling that requires landlord-tenant disputes to be heard in the township court where the real estate is located. Councillor Durnil explained that he sponsored this resolution because the decision has caused backlogs in courts that do not have the facilities and staff to handle the cases expeditiously. Councillor Durnil moved, seconded by Councillor Gilmer, for adoption. Proposal No. 524, 1990, was adopted by a unanimous voice vote.

Proposal No. 524, 1990, was retitled SPECIAL RESOLUTION NO. 49, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 1990

A SPECIAL RESOLUTION concerning small claims courts.

WHEREAS, Fifteen years ago the Indiana General Assembly established the Marion County Small Claims Court with divisions located in each township deciding to have such a court, and with judges elected by the voters in those townships; and

WHEREAS, the purpose of small claims courts is for expedient, informal, timely and inexpensive justice for all persons; and

WHEREAS, the small claims court system in Marion County handled 65,379 cases in 1989, relieving the more formal courts of an overwhelming burden; and

WHEREAS, to provide the maximum convenience and flexibility to all citizens, the legislature clearly and specifically set the jurisdiction of the small claims courts to be county-wide (Indiana Code 33-11.6-4-1); and

WHEREAS, on March 28, 1990, the Supreme Court of Indiana overruled state law by decreeing that in possessory action between property owners and tenants, cases shall be filed only in the township court wherein the real estate is located; now, therefore:

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

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SECTION 1. The Indianapolis City-County Council finds that the Indiana General Assembly has duly established a decentralized small claims court system throughout Marion County which has served the citizens well for over fifteen years.

SECTION 2. This convenient network of "peoples' courts" adjudicated 65,379 cases in 1989, a level which would have overwhelmed the more formal higher courts.

SECTION 3. The Supreme Court of Indiana, through its rulemaking power, has now limited the jurisdiction of property owner and tenant cases which are a major part of small claims court cases, thereby: upsetting the delicate caseload balance that has been maintained by the full-time vs. the part-time small claims court judges; causing untenable backlog delays in expeditious justice in some courts; causing increased apartment rents being passed on to Marion County citizens by property owners to recover new costs caused by this ruling; forcing the eminent threat of thousands of new small cases being dumped into the regular courts which would cause tax increases of all citizens for more judges, court facilities, and staffs; and is a direct affront to the legislative branch of state government.

SECTION 4. The Council asks the Supreme Court of Indiana to seriously reconsider its small claims court jurisdiction rule change of March 28, 1990, thereby restoring all small claims court cases to be county-wide in scope.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 531, 1990. The proposal concerns public safety and was introduced by twenty of the Councillors to show their support of the police department. Councillor Gilmer read the resolution and presented a framed document to Leo Blackwell, President of the Fraternal Order of Police, who expressed his appreciation for the Council's support. Councillor Gilmer moved, seconded by Councillor Schneider, for adoption. Proposal No. 531, 1990, was adopted by a unanimous voice vote.

Proposal No. 531, 1990, was retitled SPECIAL RESOLUTION NO. 50, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 50, 1990

A SPECIAL RESOLUTION concerning public safety.

WHEREAS, periodically the officers of the Indianapolis Police Department and Marion County Sheriff's Department come under attack by special interest groups; and

WHEREAS, the job of being a peace officer is frequently stressful, often routine, is filled with community relations, training, court appearances, writing reports, being observant, seeing personal tragedies, helping people, communicating with other agencies; and

WHEREAS, officers know that they possess unique powers to incarcerate and even kill, but because of that authority, they are constantly under the watchful eyes of public opinion, the media, internal and external investigative boards, special interest groups--and their own consciences; and

WHEREAS, after weeks and sometimes years of routine policework, a sudden crisis situation can unfold in a few explosive moments, after which the officer's actions may be judged by after-the-fact commentators and critics for months; and

WHEREAS, our peace officers are the lifeline of civilization that allows law-abiding citizens to be able to use the public streets, children to be able to go to school, families to be able to pursue happiness, businesses to be able to offer their wares, and worshipers to worship in safety; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends all sworn police officers in Indianapolis and Marion County for doing their sometimes thankless jobs, for protecting lives and property,

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for coping with both reasonable and unreasonable criticism and for serving on our front lines to help maintain a civilized community in which to live, work, raise children and to play.

SECTION 2. The Council supports the critical work of law enforcement officers in our community, and urges each officer to continue training, to be courteous and helpful to all citizens, to use lethal force only when necessary and, like any professional, to go the extra mile to be the best in their field of endeavor.

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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 497, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$50,000 for the Department of Administration, Legal Division, to pay for outside counsel and court reporting expenses"; and the President referred it to the Administration Committee.

PROPOSAL NO. 498, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of up to 8,000 square feet of storage space located outside the City-County Building"; and the President referred it to the Administration Committee.

PROPOSAL NO. 499, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of 1,637 square feet of office space for the Sheriff's Department located at 700 North High School Road"; and the President referred it to the Administration Committee.

PROPOSAL NO. 500, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the Building Authority to conduct a study of space requirements for City and County governments and to form an advisory committee to investigate the space needs"; and the President referred it to the Administration Committee.

PROPOSAL NO. 501, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the participation of certain employees in the Public Employees' Retirement Fund"; and the President referred it to the Administration Committee.

PROPOSAL NO. 502, 1990. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the preparation of an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for Marion County"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 503, 1990. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 504, 1990. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reviewing, modifying and approving the operating and maintenance budget and tax levies of the Capital Improvement Board of

Managers of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 505, 1990. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reviewing, modifying and approving the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 506, 1990. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 507, 1990. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 508, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$458,252 for the Presiding Judge of the Municipal Court to pay for an increase in the Public Defender's staff and related expenditures"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 509, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$233,500 out of the interest money from bond proceeds for the Justice Agency to pay for JUSTIS II hardware and cabling expenses, a probation case tracking study, warrants, and training supplies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 510, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the purchase of 115,000 square feet of property located at 1121-23 East Georgia Street for use by the Police Department's Mounted Horse Patrol"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 511, 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 Grandview Drive and Westlane Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 512, 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. 513, 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 DeQuincy St. and Kessler View Dr., Kessler View Dr.

and Emerson Way, and Kessler View Dr. and Linwood Dr."; and the President referred it to the Transportation Committee.

PROPOSAL NO. 514, 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 Township Line Road and 79th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 515, 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 Shore Drive and 38th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 516, 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 10th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 517, 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 White River Parkway, West Drive"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 518, 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 Pierson Street from 16th Street to 17th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 519, 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 29th Street from a point 100 feet west of Harding Street to a point 24 feet east of Harding Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 520, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a change in the weight limit restriction in the Lockerbie Square area"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 521, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a one-way traffic flow in an alley south of Sturm Avenue, west of State Avenue and east of Arsenal Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 522, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 70-foot loading zone at 2 West Washington Street"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 525-530, 1990. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 24, 1990. The Council did not schedule Proposal Nos. 525-530, 1990, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 525-530, 1990, were retitled REZONING ORDINANCE NOS. 154-159, 1990, and are identified as follows:

REZONING ORDINANCE NO. 154, 1990. 90-Z-111 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 11

3904 NORTH EMERSON AVENUE, INDIANAPOLIS.

LARRY D. GLASS and SAMUEL BRADLEY, by Richard C. Kraege, request the rezoning of 0.79 acre, being in the D-3 District, to the SU-1 classification to provide for the subject property to be used as a church.

REZONING ORDINANCE NO. 155, 1990. 90-Z-115 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 24

5850 SOUTH GRAY ROAD, INDIANAPOLIS.

LAROSA FAMILY PARTNERSHIP, by Michael J. Kias, requests the rezoning of 32.383 acres, being in the D-A district, to the D-4 classification to provide for single-family development by platting.

REZONING ORDINANCE NO. 156, 1990. 90-Z-116 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 24

5706 SOUTH GRAY ROAD, INDIANAPOLIS.

LAROSA FAMILY PARTNERSHIP, by Michael J. Kias, requests the rezoning of 11.038 acres, being in the D-A district, to the D-3 classification to provide for single-family development by platting.

REZONING ORDINANCE NO. 157, 1990. 90-Z-124 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6

8560 NORTH COLLEGE AVENUE, INDIANAPOLIS.

PLEASANT RUN CHILDREN'S HOMES, INC., by Zeff A. Weiss, requests the rezoning of 0.6 acre, being in the D-3 district, to the SU-7 classification to provide for the development of a children's group home.

REZONING ORDINANCE NO. 158, 1990. 90-Z-140 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3

10310 EAST 52ND STREET, INDIANAPOLIS.

M H CONSTRUCTION MGT., INC. requests the rezoning of 17.363 acres, being in the D-6 district, to the D-5 II classification to provide for the construction of 90 single-family homes.

REZONING ORDINANCE NO. 159, 1990. 90-Z-153 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5

9606 EAST 63RD STREET, INDIANAPOLIS.

METROPOLITAN SCHOOL DISTRICT OF LAWRENCE TOWNSHIP, by Pete D. Cleveland, requests the rezoning of 62 acres, being in the D-A district, to the SU-2 classification to provide for the development of a school.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 424, 1990. Councillor Strader stated that at the August 6, 1990 Council meeting the Council postponed Proposal No. 424, 1990, because it needed to be re-advertised. The proposal appropriates \$5,587,000 in the County General Fund for the County Commissioners to loan the County Department of Public Welfare to cover expenses for the remainder of the year, which loan will be repaid in 1991 through a debt service levy, and appropriating such amount for purposes of the County Department of Public Welfare. Councillor West explained that Proposal 424, 1990, needs a technical amendment and requested consent that it be returned to committee. Consent was given.

PROPOSAL NO. 474, 1990. This proposal transfers and appropriates \$6,201 for the Prosecutor's Child Support IV-D Agency to pay one full-time civil deputy's salary for the

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remainder of 1990, whose express responsibility will be to serve child support papers. Councillor Dowden asked for consent to postpone Proposal No. 474, 1990, until September 10, 1990. Consent was given.

PROPOSAL NO. 487, 1990. This proposal is a rezoning ordinance for Warren Township, Councilmanic District 13, 1135 North Cumberland Road, Indianapolis. Councillor Borst reported that the proposal was certified by the Metropolitan Development Commission on August 3, 1990. On August 6, 1990 Councillor Clark called Proposal No. 487, 1990, out for public hearing to be held on August 27, 1990. Councillor Clark stated that an agreement had been reached between the petitioner and the remonstrators to change the requested zoning classification from a D-4 to a D-3. Robert Elrod, General Counsel, explained that he received from Douglas Pool, attorney for the petitioner, an agreement with the necessary D-3 commitments for the property. Mr. Elrod stated that Proposal No. 487, 1990 can be adopted subject to the amended commitments and the Metropolitan Development Commission will approve the classification at a later time.

The President called for public testimony at 5:43 p.m.

Douglas Pool, attorney representing the petitioner, confirmed the agreement made between his client and the remonstrators.

Councillor Clark moved, seconded by Councillor Durnil, to adopt. Proposal No. 487, 1990, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 487, 1990, was retitled REZONING ORDINANCE NO. 160, 1990, and is identified as follows:

REZONING ORDINANCE NO. 160, 1990. 90-Z-81 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
1135 NORTH CUMBERLAND ROAD, INDIANAPOLIS.
ANTHONY DEVELOPMENT CORPORATION, by Douglas W. Pool, requests the rezoning of 27.8 acres, being in the D-A district, to the D-3 classification to provide for the development of single-family residential homes by platting.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 362, 1990. The Metropolitan Development Commission Docket 90-AO-3, certified on June 8, 1990, amending Marion County Council Ordinance No. 8, 1957, as amended, by revising the Dwelling Districts Zoning Ordinance Section 2.00 (General Regulations) by providing for an exception allowing "carriage houses" with certain restrictions in locally-designated Historic Preservation Districts, by providing for revisions to Section 2.20 (Home Occupations) and by providing for minor technical revisions to various other sections in the ordinance. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 362, 1990, on June 19, July 3 and August 21, 1990. By a 4-2 vote on August 21, 1990, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Because Councillor Borst

voted against the proposal he asked Councillor Brooks to give the committee report. Councillor Brooks said the proposal consists of four amendments. Three were recommended by the Department of Metropolitan Development (DMD) staff and unanimously accepted by the committee members. The amendment to the home occupation section was more controversial. The DMD staff suggested that instead of a list of permitted occupations, the home occupation section would include a list of prohibited occupations.

Councillor Borst suggested passing three of the amendments, but the home occupation amendment, in his opinion, should be amended back to the original version. The Committee could then negotiate with the neighborhood associations, with people who have home occupations and with the DMD staff and write a more acceptable amendment to the home occupation section. It is his opinion that people should be able to work in their homes, but their occupations should not intrude on the neighbors.

Councillor Borst moved to pass Amendments 1, 2, and 4 of the Committee report on Proposal No. 362, 1990. This motion was seconded by Councillor Ruhmkorff. The motion passed by the following roll call vote; viz:

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

Councillor Borst moved, seconded by Councillor Ruhmkorff, to delete the home occupation segment (Section 1, subsection d) of Proposal No. 362, 1990. This motion passed by the following roll call vote; viz:

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

President SerVaas passed the gavel to Councillor West.

Councillor SerVaas stated that it seems to him that one of the confusing aspects of the home occupation section is that there are two lists--one is a long list of prohibited occupations and the other a list of accepted occupations. It would be much simpler if there was just one list and, in his opinion, it should be a list of prohibited occupations. If the occupation is not prohibited, a resident is then permitted to engage in it.

Councillor West passed the gavel back to President SerVaas. There being no further action on Proposal 367, 1990 as amended, it is returned to the Metropolitan Development Commission as provided by statute.

PROPOSAL NO. 472, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 472, 1990, on August 20, 1990. The proposal establishes a deferred compensation plan for city-county employees. By a 5-0 vote, the Committee

August 27, 1990

reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Giffin, for adoption. Proposal No. 472, 1990, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Ruhmkorff, SerVaas, Shaw, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Clark, Schneider, Solenberg*

1 NOT PRESENT: *Mukes-Gaither*

Proposal No. 472, 1990, was retitled GENERAL ORDINANCE NO. 107, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 1990

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Indiana, by adding Sections 23-44--23-48, Article IV of Chapter 23, to establish a deferred compensation plan for City and County employees. This action ratifies City-County General Resolution No. 3, 1981 which established the guidelines for a Deferred Compensation Program for City and County employees and brings the program into compliance with the requirement of IC 5-10-1.1-7.

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, is hereby amended by adding Sections 23-44--23-48 of Article IV of Chapter 23 as follows:

Section 23-43. Employee deferred compensation plan; minimum and maximum amounts deferrable; investment options.

Employees may defer a minimum of \$25.00 a month up to the lesser of \$7,500.00 a year or 33 1/3% of includable compensation. This deferred income may be invested at the employees' option as follows:

- a. Fixed Annuity. Currently (2/9/81) earning 11 1/2% interest with no front end charges to the employee, with a guaranteed interest rate of 3.75% interest.
- b. Variable Annuity. A fund invested in common stocks which fluctuates with the market creating certain risks. Each employee will be charged a fee of 6% for the first \$5,000.00 deferred and 4% thereafter.

Section 23-44. The employee's right to designate a beneficiary.

The employee has the right to designate a beneficiary. In the event of an employee's death, the full value of the employee's account will become payable to the named beneficiary in lump sum or in equal payments.

Section 23-45. Changes to employee elections.

An employee may annually:

- a. change his/her election to participate
- b. amend the amount of compensation to be deferred
- c. change his/her specification of an investment selection
- d. change the payment option selected for the payment of benefits.

Section 23-46. Payout options at employee retirement.

Employees may request at retirement a lump sum payment, may spread payments over certain periods, subject to applicable fees, or elect a life annuity operation at no charge.

Section 23-47. Payout options at employee termination of employment.

Employee, upon termination of employment, may withdraw money subject to applicable fees, or allow funds to remain in the plan until retirement, or may transfer accumulated funds to another plan of the same kind.

Section 23-48. Emergency withdrawals.

Employees may withdraw funds to the extent of certain hardships as determined by the applicable committee, or may withdraw from participation in the plan at any time, but may not re-enroll until the next enrollment.

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

PROPOSAL NO. 475, 1990. Councillor McGrath reported that the Rules and Policy Committee heard Proposal No. 475, 1990, on August 21, 1990. The proposal elects to fund the Metropolitan Emergency Communications Agency (MECA) in 1991 with County Option Income Tax (COIT) revenues. This is a continuation of a policy previously established which sets aside \$2 million per year to fund MECA until it is fully operational. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McGrath moved, seconded by Councillor West, for adoption. Proposal No. 475, 1990, was adopted on the following roll call vote; viz:

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

Proposal No. 475, 1990, was retitled SPECIAL ORDINANCE NO. 13, 1990, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 13, 1990

A SPECIAL ORDINANCE election to fund MECA in 1991 with County Option Income Tax Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the City-County Council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 1991, the City-County Council, prior to September 1, 1990, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

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

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 1991 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is \$2,000,000.

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

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PROPOSAL NOS. 476, 477 and 478, 1990. President SerVaas asked for consent to vote on the three transportation proposals together. Consent was given. PROPOSAL NO. 476, 1990. The proposal amends the Code by authorizing an intersection control at Olney and 11th Streets. PROPOSAL NO. 477, 1990. The proposal amends the Code by authorizing parking restrictions on a segment of Moller Road. PROPOSAL NO. 478, 1990. The proposal amends the Code by authorizing parking restrictions on a segment of Pennsylvania Street. Councillor Gilmer reported that the Transportation Committee heard these three proposals on August 23, 1990. By a 4-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption. Proposal Nos. 476, 477 and 478, 1990, were adopted on the following roll call vote; viz:

23 YEAS: Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

5 NOT VOTING: Borst, Boyd, Brooks, Clark, Gilmer

1 NOT PRESENT: Mukes-Gaither

Proposal No. 476, 1990, was retitled GENERAL ORDINANCE NO. 108, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 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:

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>
26, Pg. 16	Olney St. & 11th St.	Olney St.	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>
26, Pg. 16	Olney St. & 11th St.	None	All Stop

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

Proposal No. 477, 1990, was retitled GENERAL ORDINANCE NO. 109, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267. Parking prohibited at all times on certain streets.

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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Moller Road, on the east side, from West
Thirty-second Street to West Thirty-fourth Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Moller Road, on both sides,
Thirtieth Street to Thirty-fourth Street

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

Proposal No. 478, 1990, was retitled GENERAL ORDINANCE NO. 110, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Pennsylvania Street, on the west side, from
Glendale Avenue to Pleasant Run Parkway North Drive

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

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, upon motion duly made and seconded, the meeting adjourned at 6:22 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 27th day of August, 1990.

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

Beurt Serwaas

President

Ken J. Kypri-Deck

Clerk of the Council

ATTEST:

(SEAL)