

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

**REGULAR MEETINGS
MONDAY, MARCH 20, 1989**

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 7:05 p.m., on Monday, March 20, 1989, with Councillor SerVaas presiding.

Councillor Stewart lead 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, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams
1 ABSENT: Giffin

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor SerVaas stated that David Frick will give a Super Bowl report at the April 10, 1989, Council meeting.

Tim Whitaker, Division Chief of Indianapolis Fire Prevention Bureau and Fire Marshall of the City of Indianapolis, expressed his appreciation to the Council for their support in enforcing the smoke detector ordinance. Since the passage of this ordinance last year, there has been a decrease in the fatalities due to fires. Mr. Whitaker stated the law for smoke detectors goes into effect Friday, March 24, 1989.

Mr. Whitaker thanked those people in the private sector who helped in the preparation and passage of this ordinance, as well as distributing free smoke detectors to the needy.

He again thanked the seven sponsors (Councillors Brooks, Golc, Irvin, Jones, Moriarty, Mukes-Gaither and Solenberg) of this proposal and all the Councillors who voted for this proposal. He presented each Councillor with a certificate of appreciation.

Councillor Boyd encouraged the media to inform the public that this law goes into effect on Friday, March 24, 1989.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified 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 20, 1989, at 7:00 p.m. the purposes 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 7, 1989

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 9, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 147, 148, 149, 151, 152, 153 and 154, 1989, to be held on Monday, March 20, 1989, at 7:00 p.m. in the City-County Building.

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

[Clerk's Note: Indianapolis News reprinted Proposal No. 147, 1989, and Indianapolis Commercial reprinted Proposal No. 153, 1989, because of errors in printing.]

March 9, 1989

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

March 20, 1989

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:

FISCAL ORDINANCE NO. 18, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Seventy-five Thousand Dollars (\$75,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 19, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Three Hundred Seventy-eight Thousand Two Hundred Fifty Dollars (\$378,250) in the Metropolitan Emergency Communications Fund for purposes of the Department of Public Safety, Metropolitan Emergency Communications Agency, and reducing the unappropriated and unencumbered balance in the Metropolitan Emergency Communications Agency Fund.

FISCAL ORDINANCE NO. 20, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eight Thousand Eight Hundred Fifty Dollars (\$8,850) in the County Grant Fund for purposes of the Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County Grant Fund.

FISCAL ORDINANCE NO. 21, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Nine Hundred Sixty-eight Thousand Eight Dollars (\$2,968,008) in the City Cumulative Capital Development Fund for purposes of the Department of Public Works, Flood Control Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

FISCAL ORDINANCE NO. 22, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million Four Thousand Three Hundred Sixty Dollars (\$1,004,360) in the City Cumulative Capital Development Fund for purposes of the Department of Public Works, Administration Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

FISCAL ORDINANCE NO. 23, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million Two Hundred Thousand Dollars (\$1,200,000) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 24, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 25, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million One Hundred Six Thousand Three Hundred Forty-five Dollars (\$1,106,345) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Transportation, Administration Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

FISCAL ORDINANCE NO. 26, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Six Hundred Four Thousand Four Hundred Eighty-one Dollars (\$2,604,481) in the City Cumulative Capital Development Fund for purposes of the

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Department of Transportation, Administration Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

SPECIAL ORDINANCE NO. 3, 1989, authorizing the City of Indianapolis to issue Its "Economic Development Water Facilities Revenue Bonds, Series 1989 (Indianapolis Water Company Project)" in an aggregate principal amount not to exceed \$10,000,000 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 4, 1989, authorizing the City of Indianapolis to issue its "Multifamily Rental Housing Revenue Bonds, Series 1989 (Piccadilly Corporation Project)" in an aggregate principal amount not to exceed \$1,450,000 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 5, 1989, authorizing the City of Indianapolis to issue its "Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project)" in an aggregate principal amount not to exceed \$1,400,000 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 6, 1989, authorizing the City of Indianapolis to issue its "Economic Development Refunding Revenue Bonds, Series 1989 (Calderon Development Company Project)" in an aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) and approving and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 11, 1989, honoring persons who rescued two children from drowning in the Downtown Canal.

SPECIAL RESOLUTION NO. 12, 1989, congratulating the Arsenal Technical High School Lady Titans for winning the 1988-89 City Girls' Indianapolis Invitational Basketball Tournament.

SPECIAL RESOLUTION NO. 13, 1989, congratulating the Arsenal Technical High School Titans for winning the 1988-89 City Invitational Tournament.

SPECIAL RESOLUTION NO. 14, 1989, amending City-County Special Resolution No. 124, 1986, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 15, 1989, proposing an ordinance of the Marion County Income Tax Council increasing the County Option Income Tax, and casting votes of the City-County Council on said ordinance.

SPECIAL RESOLUTION NO. 16, 1989, proposing an ordinance of the Marion County Income Tax Council increasing the percentage credit allowed for homesteads and casting votes of the City-County Council on said ordinance.

SPECIAL RESOLUTION NO. 17, 1989, approving a lease between the City of Indianapolis and the Indianapolis City Market Corporation for the City Market.

COUNCIL RESOLUTION NO. 33, 1989, requesting the Traffic Engineering Division of the Department of Transportation to prepare and present to the Transportation Committee a Left Turn Phasing Study on Emerson Avenue and Raymond Street.

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

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ADOPTION OF THE AGENDA

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

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

PROPOSAL NO. 210, 1989. This proposal honors Barbara S. Gole. Councillor Coughenour read the resolution and presented a framed document to Barbara Gole. She extended her appreciation for the recognition. Councillor Coughenour moved, seconded by Councillor Curry, for adoption. Proposal No. 210, 1989, was adopted by unanimous voice vote.

Proposal No. 210, 1989, was retitled SPECIAL RESOLUTION NO. 18, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1989

A SPECIAL RESOLUTION honoring Barbara S. Gole.

WHEREAS, Barbara S. Gole served as Director of the Indianapolis Public Works Department from January, 1984, through March, 1989; and

WHEREAS, during those years Mrs. Gole guided the Department to create a long term solid waste management plan that encompassed resource recovery, recycling and conservation of landfill space; and

WHEREAS, additional accomplishments included a computerized mapping of Marion County, a new advanced wastewater treatment facility, an upgrading of the city's sludge handling facility, and efficiencies throughout the Department; 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 honors Barbara S. Gole for her dedication, and for making tough decisions that will benefit the citizens of Indianapolis for many decades to come.

SECTION 2. The Council wishes her well in her new challenges in the private sector.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 150, 1989. Councillor West reported that the Parks and Recreation Committee heard Proposal No. 150, 1989, on March 2, 1989. The proposal reappoints Milton Booth to the Board of Parks and Recreation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Durnil moved, seconded by Councillor Curry, for adoption. Proposal No. 150, 1989, was adopted by unanimous voice vote.

Proposal No. 150, 1989, was retitled COUNCIL RESOLUTION NO. 34, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 1989

A COUNCIL RESOLUTION reappointing Milton Booth to the Board of Parks and Recreation.

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

SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Milton Booth

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. 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. 172, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$704,130 for the Department of Administration, Office of the Director, to provide financial support to the City Market Corporation in accordance with terms of the lease agreement"; and the President referred it to the Administration Committee.

PROPOSAL NO. 173, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$29,200 for the Department of Administration, Purchasing Division, to position a purchasing agent in the Department of Public Works for greater proficiency in purchasing"; and the President referred it to the Administration Committee.

PROPOSAL NO. 174, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION requesting the City-County Administrative Board to make a public purpose grant in the amount of \$704,130 to the Indianapolis City Market Corporation"; and the President referred it to the Administration Committee.

PROPOSAL NO. 175, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$6,200 for the Washington Township Assessor to use temporary outside services to complete reassessment"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 176, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$250,000 for the Department of Parks and Recreation, Administration Division, to purchase forty acres with buildings and improvements at 1313 South Post Road and contingency to purchase replacement property for the Fall Creek Little League which is being displaced from its current location at Kessler Boulevard and Fall Creek Road"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 177, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$326,576 for the Department of Parks and Recreation, Administration Division, to complete the reconstruction and improvement project at Eagle Creek Golf Course"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 178, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the sale of certain real estate of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 179, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION authorizing the

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Department of Parks and Recreation to purchase certain real property"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 180, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$80,000 for the Prosecuting Attorney because agencies have increased their spending beyond their original budget appropriations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 181, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$33,425 for the Prosecuting Attorney for the Metro Drug Task Force grant that was inadvertently left out of the original appropriation for purposes of overtime for a surrounding county agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 182, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code, Section 2-358, by updating the funding of the County Corrections Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 183, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code, Section 1 of Part I of Appendix B to add an additional holiday for police officers and by adding a new Section 5 to provide for death leave for police officers"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 184, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Patrick L. Stevens as Director of the Department of Public Works, for a term ending December 31, 1989"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 185, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the Mayor to execute a Service Lease Agreement between the City and Ameritech Credit Corporation for the purpose of financing the Service Agreement between the City and Indiana Bell Telephone Company, providing for the E-911 telephone service for Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 186, 1989. 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 Lawrence Fire Station access drive (6350 East) at 86th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 187, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a segment of Washington Street, from New Jersey to West Street, and a segment of Alabama Street, from Michigan Street to Virginia Avenue, to become one-way"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 188, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing an 85 foot loading zone for Indiana Bell Telephone Company on Pierson Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 189, 1989. 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 L. S. Ayres on a portion of Meridian Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 190, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the segment of Elder Avenue between Washington Street and Maryland Street from a one-way southbound street to a two-way street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 191, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing a weight limit restriction on Kitley Road from Brookville Road to Vandergriff"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 192, 1989. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing the speed limit to be changed from 30 MPH to 25 MPH on Orinoco Avenue from Southport Road to Banta Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 193, 1989. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at Riverside Drive and 29th Street"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 194 - 199, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 6, 1989". The Council did not schedule Proposal Nos. 194 - 199, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 194 - 199, 1989, were retitled REZONING ORDINANCE NOS. 61 - 66, 1989, and are identified as follows:

REZONING ORDINANCE NO. 61, 1989. 88-Z-260 DECATUR TOWNSHIP
COUNCILMANIC DISTRICT NO. 19
3715 KENTUCKY AVENUE, INDIANAPOLIS.
PRINCE/ALEXANDER COMPANIES, INC. requests the rezoning of 1.695 acres, being in the D-3 and A-2 districts, to the C-1 classification to provide for a new medical office building.

REZONING ORDINANCE NO. 62, 1989. 88-Z-269 (AMENDED) WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
225 NORTH GIRLS SCHOOL ROAD, INDIANAPOLIS.
IVY HOMES, INC., by Michael J. Kias, requests the rezoning of 12.1 acres, being in the A-2 and D-3 districts, to the D-4 classification to provide for residential use by platting.

REZONING ORDINANCE NO. 63, 1989. 89-Z-25 (AMENDED) LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
10120 EAST 56TH STREET, INDIANAPOLIS.

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BROWNING-FERRIS INDUSTRIES OF INDIANA, INC., by Michael J. Kias, requests the rezoning of 33.7 acres, being in the SU-13 district, to the I-4-S classification to provide for the construction of a solid waste recycling plant with related facilities and the continued operation of a solid waste collection and disposition facility.

REZONING ORDINANCE NO. 64, 1989. 89-Z-40 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 17
3425 WEST 16TH STREET, INDIANAPOLIS.
METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of 0.16 acre, being in the C-5 district, to the C-4 classification to correct a mapping error.

REZONING ORDINANCE NO. 65, 1989. 89-Z-43 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
8180 WEST 10TH STREET, INDIANAPOLIS.
T & L ENTERPRISES, by William F. LeMond, requests the rezoning of 6.84 acres, being in the SU-18 district, to the I-3-S classification to provide for expansion of an existing business.

REZONING ORDINANCE NO. 66, 1989. 89-Z-53 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
5915 CRAWFORDSVILLE ROAD, INDIANAPOLIS.
TIMBER PARK DEVELOPMENT CORPORATION requests the rezoning of 1.40 acres, being in the D-5 district, to the C-4 classification to provide for a retail strip shopping center with outdoor gasoline pumps.

PROPOSAL NOS. 200 - 209, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 16, 1989". The Council did not schedule Proposal Nos. 200 - 209, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 200 - 209, 1989, were retitled REZONING ORDINANCE NOS. 67 - 76, 1989, and are identified as follows:

REZONING ORDINANCE NO. 67, 1989. 88-Z-225 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
7465 NORTH KITLEY AVENUE, INDIANAPOLIS.
LUCY T. HUNT, by Michael J. Kias, requests the rezoning of 1.55 acres, being in the A-2 district, to the C-1 classification to provide for commercial development.

REZONING ORDINANCE NO. 68, 1989. 89-Z-32 (AMENDED) WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 15
1212 NORTH ARLINGTON AVENUE, INDIANAPOLIS.
CADUCEUS LAND COMPANY requests the rezoning of 6.43 acres, being in the D-4 and D-9 districts, to the C-1 classification.

REZONING ORDINANCE NO. 69, 1989. 89-Z-41 (AMENDED) WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 19
7576 WEST WASHINGTON STREET, INDIANAPOLIS.
PHYLLIS M. ST. JOHN, by Charles J. Simpson, requests the rezoning of 2.13 acres, being in the D-5 district, to the C-7 classification to provide for the conversion of a single-family residence to an office with outdoor storage of towed automobiles.

REZONING ORDINANCE NO. 70, 1989. 89-Z-44 (89-DP-3) DECATUR TOWNSHIP
COUNCILMANIC DISTRICT NO. 19
6646 MOORESVILLE ROAD, INDIANAPOLIS.
DECATUR FRIENDS HOUSING, INC., requests the rezoning of 10.91 acres, being in the A-2 district, to the D-P classification to provide for the construction of a senior citizens retirement facility.

REZONING ORDINANCE NO. 71, 1989. 89-Z-47 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 16
40 MILEY AVENUE, INDIANAPOLIS.
MILEY PLACE PARTNERSHIP, by John W. Van Buskirk, requests the rezoning of 1.20 acres, being in the D-5 district, to the C-1 classification to provide for renovation of and addition to an existing building for assisted living units, convalescent care, and nursing home care facility.

REZONING ORDINANCE NO. 72, 1989. 89-Z-48 (AMENDED) WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
1655 SOUTH BADE ROAD, INDIANAPOLIS.
R & F DEVELOPMENT, INC., by Harry F. McNaught Jr., requests the rezoning of 40.0 acres, being in the A-2 district, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 73, 1989. 89-Z-51 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3

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Approx. 8101 BASH STREET, INDIANAPOLIS.
U.S. LODGING OF INDIANAPOLIS, LTD., by William F. LeMond, requests the rezoning of 3.31 acres, being in the C-4 and C-6 districts, to the C-6 classification to provide for the property to be added to an existing integrated center.

REZONING ORDINANCE NO. 74, 1989. 89-Z-52 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
7610 FALL CREEK ROAD, INDIANAPOLIS.
THOMAS A. GRANT AND DAVID A. McMANAMA request the rezoning of 11.0 acres, being in the A-2 district, to the D-2 classification to provide for residential development by platting.

REZONING ORDINANCE NO. 75, 1989. 89-Z-55 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 9
3742 NORTH PENNSYLVANIA STREET, INDIANAPOLIS.
FOX, TRAHIN AND FOX PARTNERSHIP requests the rezoning of 0.34 acre, being in the D-9 district, to the D-8 classification to provide for low and moderate income multi-family apartments.

REZONING ORDINANCE NO. 76, 1989. 89-Z-57 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 22
101 NORTH NEW JERSEY STREET, INDIANAPOLIS.
BANK ONE, INDIANAPOLIS, NA, by James L. Tuohy, requests the rezoning of 0.44 acre, being in the I-3-U district, to the CBD-2 classification to provide for a seven-story parking garage for use by Bank One employees, tenants and general public.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 104, 1989. Councillor Durnil reported that the Parks and Recreation Committee heard Proposal No. 104, 1989, on March 2, 1989. The proposal appropriates \$100,000 for the Department of Parks and Recreation, Recreation and Sports Facilities Division, to continue with efforts to increase arts support. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor West gave a brief overview as to how the arts grant came into existence. The money is coming from the retirement of the bonds for the City-County building. The amount that is needed to continue the arts is \$100,000.

Councillor Cottingham moved, seconded by Councillor Hawkins, to amend Proposal No. 104, 1989, with the following motion:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 104, 1989, by renumbering Section 5 as Section 6, and inserting a new Section 5 to read as follows:

Section 5. The 1990 appropriation for grants for support of the arts shall not be increased more than the percentage generally allowed in the 1990 Budget, based on the appropriation in the 1989 Budget, without adjustment for the additional appropriation made by this ordinance.

Councillor Dwight Cottingham

Councillor Cottingham believes that now is a good time to put a cap on the money allowed to the arts in the 1990 Budget. This amendment would not allow the Parks and Recreation Department to consider this money when they are figuring their 1990 percentage increase.

Councillor Clark voiced his opposition to this amendment because it is not worthwhile to cap something for the future because many things could happen.

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Councillor Rhodes asked if this arts grant is a one-year grant or a three-year program. Bob Beckman explained that it is a three-year program. He indicated that the arts should not be singled out and capped without having their chance in the budget process.

Councillors Durnil, Gilmer and Boyd expressed their disagreement with the amendment and hoped that the amendment would be defeated.

The amendment was withdrawn.

The President called for public testimony at 8:13 p.m.. There being no one present to testify, Councillor Durnil moved, seconded by Councillor Schneider, for adoption. Proposal No. 104, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 104, 1989, was retitled FISCAL ORDINANCE NO. 27, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Recreation & Sports, and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation, Recreation & Sports, to continue effort to increase support for the arts.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) 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:

DEPARTMENT OF PARKS AND RECREATION RECREATION & SPORTS	<u>PARK GENERAL FUND</u>
3. Other Services & Charges	\$100,000
TOTAL INCREASE	\$100,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	\$100,000
TOTAL REDUCTION	\$100,000

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

PROPOSAL NO. 106, 1989. Councillor Durnil reported that the Parks and Recreation Committee heard Proposal No. 106, 1989, on March 2, 1989. The proposal appropriates \$539,990 for the Department of Parks and Recreation, Administration Division, to upgrade existing facilities and decrease maintenance and operating costs.

By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:15 p.m. There being no one present to testify, Councillor Durnil moved, seconded by Councillor Howard, for adoption. Proposal No. 106, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

0 NAYS

6 NOT VOTING: Borst, Curry, Giffin, Irvin, Solenberg, Williams

Proposal No. 106, 1989, was retitled FISCAL ORDINANCE NO. 28, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Five Hundred Thirty-nine Thousand Nine Hundred Ninety Dollars (\$539,990) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation, Administration Division, to upgrade existing facilities; improve health, safety and general welfare of constituency; provide new leisure time opportunities; improve environmental quality of life; and decrease maintenance and operating costs.

SECTION 2. The sum of Five Hundred Thirty-nine Thousand Nine Hundred Ninety Dollars (\$539,990) 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:

DEPARTMENT OF PARKS AND RECREATION	CONSOLIDATED COUNTY CUMULATIVE
<u>ADMINISTRATION DIVISION</u>	<u>CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	\$539,990
TOTAL INCREASE	\$539,990

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

	CONSOLIDATED COUNTY CUMULATIVE
	<u>CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
Consolidated County Cumulative	
Capital Development Fund	\$539,990
TOTAL REDUCTION	\$539,990

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

PROPOSAL NO. 109, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 109, 1989, on March 8, 1989. The proposal appropriates \$107,952 for the Superior Court, Juvenile Division, to appropriate additional funds necessary to pay the 1989 contract to Children's Bureau. With an 8-0 vote, the Committee tabled the proposal. Councillor Dowden asked that the proposal be referred back to Committee and put under "pending proposals". He

explained that the Committee will not be acting on this proposal until late Summer or early Fall. Without objection, Proposal No. 109, 1989, was referred back to Committee.

PROPOSAL NO. 111, 1989. Councillor Coughenour clarified that this proposal had been sent and heard in the Public Works Committee, but she had asked that it be heard in the Public Safety and Criminal Justice Committee because it deals with proposals affecting the Animal Control Division. Therefore, Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 111, 1989, on March 8, 1989. The proposal appropriates \$2,348,780 for the Department of Public Works, Administration Division, to construct a more humane and modern animal control facility. By a 7-0 vote, the Public Safety and Criminal Justice Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Shaw and Moriarty both asked what was causing the delay in the selection of appointments for the Animal Control Board. Councillor SerVaas appointed Councillor Shaw to check into this and give a report back to the Council.

The President called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Coughenour, for adoption. Proposal No. 111, 1989, was adopted on the following roll call vote; viz:

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

0 NAYS

4 NOT VOTING: Clark, Giffin, Solenberg, Stewart

Proposal No. 111, 1989, was retitled FISCAL ORDINANCE NO. 29, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Three Hundred Forty-eight Thousand Seven Hundred Eighty Dollars (\$2,348,780) in the City Cumulative Capital Development Fund for purposes of the Department of Public Works, Administration Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Administration Division, to construct a more humane and modern animal control facility.

SECTION 2. The sum of Two Million Three Hundred Forty-eight Thousand Seven Hundred Eighty Dollars (\$2,348,780) 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:

DEPARTMENT OF PUBLIC WORKS <u>ADMINISTRATION DIVISION</u> 4. Capital Outlay TOTAL INCREASE	CITY CUMULATIVE CAPITAL <u>DEVELOPMENT FUND</u> \$2,348,780 \$2,348,780
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SECTION 4. The said additional appropriations are funded by the following reductions:

CITY CUMULATIVE CAPITAL
DEVELOPMENT FUND

Unappropriated and Unencumbered
City Cumulative Capital Development Fund
TOTAL REDUCTION

\$2,348,780
\$2,348,780

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

PROPOSAL NO. 147, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 147, 1989, on March 9, 1989. The proposal appropriates \$75,000 for the Department of Administration, Occupational and Community Services, to provide the City's portion of funding for the implementation of The Greater Indianapolis Commission of Youth. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor West gave background information pertaining to this proposal. Councillor Gilmer called the previous question, seconded by Councillor Howard.

The President called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Howard, for adoption. Proposal No. 147, 1989, failed to pass on the following roll call vote; viz:

14 YEAS: Boyd, Coughenour, Curry, Hawkins, Holmes, Howard, Irvin, Jones, Mukes-Gaither, Rhodes, Shaw, Stewart, Strader, West

14 NAYS: Borst, Brooks, Clark, Cottingham, Dowden, Dumil, Gilmer, Golc, McGrath, Moriarty, Schneider, SerVaas, Solenberg, Williams

1 NOT VOTING: Giffin

PROPOSAL NO. 148, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 148, 1989, on March 9, 1989. The proposal appropriates \$130,000 for the Department of Administration, Finance Division, to upgrade and replace the computer system serving Barrett Law and Licensing in the Controller's Office. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 148, 1989, was adopted on the following roll call vote; viz:

25 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Solenberg, Stewart, Strader, West, Williams

0 NAYS

4 NOT VOTING: Borst, Giffin, McGrath, Shaw

Proposal No. 148, 1989, was retitled FISCAL ORDINANCE NO. 30, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Hundred Thirty Thousand Dollars (\$130,000) in the City General Fund for purposes of the Department of Administration, Finance Division, and reducing the unappropriated and unencumbered balance in the City General Fund.

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

March 20, 1989

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Administration, Finance Division, to upgrade and replace the computer system serving the Barrett Law and Licensing functions in the Controller's Office.

SECTION 2. The sum of One Hundred Thirty Thousand Dollars (\$130,000) 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:

DEPARTMENT OF ADMINISTRATION	
<u>FINANCE DIVISION</u>	<u>CITY GENERAL FUND</u>
3. Other Services & Charges	\$ 20,000
4. Capital Outlay	<u>110,000</u>
TOTAL INCREASE	\$130,000

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

	<u>CITY GENERAL FUND</u>
Unappropriated and Unencumbered	
City General Fund	<u>\$130,000</u>
TOTAL REDUCTION	\$130,000

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

PROPOSAL NO. 149, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 149, 1989, on March 9, 1989. The proposal appropriates \$29,200 for the Department of Administration, Purchasing Division, to place a Purchasing Agent in the Department of Transportation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Gilmer and Howard indicated that it seems the City is going in the opposite direction of progress. In the private sector, companies are moving toward a centralized purchasing department; it seems the City is moving toward a decentralized purchasing department. They asked why is it necessary to have someone on site for each department.

Donald McPherson, Director of Administration, explained that having a purchasing agent on site saves money and expedites the process. The City loses money when people sit idle waiting on things to happen. This purchasing agent will expedite the work and therefore save money.

The President called for public testimony at 9:10 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Shaw, for adoption. Proposal No. 149, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 149, 1989, was retitled FISCAL ORDINANCE NO. 31, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Twenty-nine Thousand Two Hundred Dollars (\$29,200) in the Consolidated

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County Fund for purposes of the Department of Administration, Purchasing Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Administration, Purchasing Division, to place a Purchasing Agent in the Department of Transportation.

SECTION 2. The sum of Twenty-nine Thousand Two Hundred Dollars (\$29,200) 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:

DEPARTMENT OF ADMINISTRATION	
<u>PURCHASING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	\$29,200
TOTAL INCREASE	\$29,200

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	\$29,200
TOTAL REDUCTION	\$29,200

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

PROPOSAL NO. 152, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 152, 1989, on March 16, 1989. The proposal transferring and appropriating \$200,000 for the Department of Public Works, Liquid Waste Processing Operations, to increase the level of departmental involvement in construction management and inspection and to increase the number of water shut-offs for past due accounts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:15 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 152, 1989, As Amended, was adopted on the following roll call vote; viz:

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

Proposal No. 152, 1989, As Amended, was retitled FISCAL ORDINANCE NO. 32, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

March 20, 1989

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Liquid Waste Processing Operations, to increase the level of departmental involvement in construction management and inspection, and to increase the number of water shutoffs for past due accounts.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>		
<u>LIQUID WASTE PROCESSING OPERATIONS</u>		<u>SANITATION GENERAL FUND</u>
3. Other Services & Charges		\$200,000
TOTAL INCREASE		\$200,000

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	\$200,000
TOTAL REDUCTION	\$200,000

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

Because of the late hour, Councillor Clark moved, seconded by Councillor Gilmer, to hear Proposal No. 155, 1989, next on the agenda. There were many residents waiting in the audience for this proposal to be heard. Without objection, Proposal No. 155, 1989, was heard next.

PROPOSAL NO. 155, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 155, 1989, on March 1, 1989. The proposal amends the Code by authorizing a 4-way stop at Central Avenue and 57th Street. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor West, for adoption. Proposal No. 155, 1989, was adopted on the following roll call vote; viz:

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

0 NAYS

2 NOT VOTING: *Giffin, Stewart*

Proposal No. 155, 1989, was retitled GENERAL ORDINANCE NO. 22, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 1989

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>
11, Pg. 4	Central Av & E. 57th St	Central Av	Stop

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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>
11, Pg. 4	Central Av & 57th St	None	Stop

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

PROPOSAL NO. 153, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 153, 1989, on March 16, 1989. The proposal appropriates \$1,905,869 for the Department of Public Works, Office of the Director, to make service fee payments as provided in the Service Agreement with Ogden Martin Systems. 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 9:29 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 153, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 153, 1989, was retitled FISCAL ORDINANCE NO. 33, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million Nine Hundred Five Thousand Eight Hundred Sixty-nine Dollars (\$1,905,869) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Office of the Director, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Office of the Director, to make service fee payments as requested by the Service Agreement between Ogden Martin Systems and the City.

SECTION 2. The sum of One Million Nine Hundred Five Thousand Eight Hundred Sixty-nine Dollars (\$1,905,869) 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:

DEPARTMENT OF PUBLIC WORKS <u>OFFICE OF THE DIRECTOR</u> 3. Other Services & Charges TOTAL INCREASE	<u>SOLID WASTE DISPOSAL FUND</u> \$1,905,869 \$1,905,869
--	--

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

Unappropriated and Unencumbered Solid Waste Disposal Fund TOTAL REDUCTION	<u>SOLID WASTE DISPOSAL FUND</u> \$1,905,869 \$1,905,869
---	--

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

PROPOSAL NO. 154, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 154, 1989, on March 16, 1989. The proposal appropriates \$800,000 for the Department of Public Works, Office of the Director, to provide assistance to areas that are not able to afford sanitary sewer costs. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:32 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Cottingham, for adoption. Proposal No. 154, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Dumil, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Strader, West, Williams

1 NAY: Curry

5 NOT VOTING: Dowden, Giffin, Holmes, Solenberg, Stewart

Proposal No. 154, 1989, was retitled FISCAL ORDINANCE NO. 34, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eight Hundred Thousand Dollars (\$800,000) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Public Works, Office of the Director, and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Office of the Director, to provide assistance to the Whittier/Minnesota and Plainfield Avenue areas that are not able to afford sanitary sewer costs and who have a need and desire for sewers.

SECTION 2. The sum of Eight Hundred Thousand Dollars (\$800,000) 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:

DEPARTMENT OF PUBLIC WORKS	CONSOLIDATED COUNTY CUMULATIVE
<u>OFFICE OF THE DIRECTOR</u>	<u>CAPITAL DEVELOPMENT FUND</u>
3. Other Services & Charges	\$800,000
TOTAL INCREASE	\$800,000

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

	CONSOLIDATED COUNTY CUMULATIVE
	<u>CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
Consolidated County Cumulative	
Capital Development Fund	\$800,000
TOTAL REDUCTION	\$800,000

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 40, 1989. The proposal amends the Code by changing two-way stops to traffic signals at Kessler Boulevard, North Drive and the 38th Street North and South ramps. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. There was no action taken on this proposal.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 97, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 97, 1989, on March 15, 1989. The proposal amends the Code, Article XXIII, Outdoor Retail Sales of Beverages, Flowers and Food from Carts. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption.

Councillor Rhodes briefly went over all the changes that were made in the Code concerning the carts. Councillor Rhodes moved, seconded by Councillor Coughenour, to amend Proposal No. 97, 1989, with the following motion:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 97, 1989, be amended by substituting the "General Counsel Amended Version 4" in lieu of Version 3.

Councillor Stuart Rhodes

Councillor Rhodes explained that Version 4 is what the Committee asked the General Counsel to draft from the Committee discussion. By consent the motion was adopted. Proposal No. 97, 1989, As Amended, was adopted on the following roll call vote; viz:

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

0 NAYS

2 NOT VOTING: Giffin, Moriarty

Proposal No. 97, 1989, As Amended, was retitled GENERAL ORDINANCE NO. 23, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and of Marion County, Indiana", Article XXIII, Outdoor Retail Sales of Beverages, Flowers and Food From Carts.

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 of Marion County, Indiana", specifically Article XXIII, Outdoor Retail sales of Beverages, Flowers and Food From carts, be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

ARTICLE XXIII. OUTDOOR RETAIL SALES
~~OF BEVERAGES, FLOWERS AND FOOD FROM CARTS~~

March 20, 1989

DIVISION 1. GENERALLY

Sec. 17-805. Legislative determinations.

The council, pursuant to its authority to regulate the conduct of business upon the public ways of the city, to promote the safety and welfare of its residents and visitors, and to collect fees to defray the costs of such regulation, determines it necessary and proper to license the businesses of retail sales of food, beverages and flowers from carts upon the public ways and to limit and franchise such sales in certain areas of the city. This article is adopted to accomplish such goals.

Sec. 17-820 806. Licenses Required, exceptions.

(a) It shall be unlawful for any person to sell food, beverages or flowers from engage in the business of operating a cart on public areas or sidewalks in this the city without first obtaining a license therefor, except as may otherwise be provided in issued pursuant to this section article.

(b) Sec. 17-821. Separate license for each cart. A separate license and the payment of a fee therefore shall be required for each cart. One person may hold more than one license.

Sec. 17-822. Peddler's license not necessary.

(c) It is not necessary to be licensed as a peddler a transient merchant pursuant to Article XXII of this chapter in order to obtain a license for a cart or to operate a cart, pursuant to this article.

(d) Prior to January 1, 1990, a transient merchant licensed pursuant to Article XII of this chapter may sell food, beverages or flowers from carts except in Food Cart Zones.

Sec. 17-805 807. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

"Beverage" shall mean any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption.

"Cart" shall mean a wheeled device, not propelled by a motor, no larger than six (6) feet in length, three (3) feet in width and five (5) feet in height (exclusive of canopy), constructed so an operator may not stand on or in the device.

"Central City" means (a) Location restricted. Carts licensed pursuant to this article may be operated only in the geographic area bounded as follows: north--16th Street; east--East Street/Central Street; south--South Street; west (going from south to north)--West Street, West Washington Street, White River, Fall Creek.

"Flowers" shall mean any fresh cut flower or live plant in a pot not larger than four (4) inches in diameter.

"Food" shall mean any raw, cooked or processed edible substance intended for use in whole or in part for human consumption.

"Food Cart Zones" means until December 31, 1988 through December 31, 1989, the seventeen (17) zones previously established by the controller shall continue for beverages, food, and flowers sold from carts. Up to three (3) licenses may be assigned to any one (1) zone. Except where more existed on November 1, 1987, in any one (1) zone two (2) will be for food, beverage, or both; and one (1) for flowers. Assignment of each license to a particular zone shall be made by the controller, when a new license is issued.

"Franchise area" means one of the geographic areas determined under Sec. 17-826.

"Frozen Food" means any food or beverage preserved and sold in a frozen solid state.

"Non-protected franchise area" means a franchise area which was not protected by a licensee at the last annual drawing under Sec. 17-827.

"Owner of a cart" means the person, firm, corporation, partnership or other legal entity which owns a cart licensed under this article. For purposes of the restrictions imposed on ownership of carts licensed under this article, the owner is any person or other entity who directly or indirectly owns or controls more than twenty percent of the legal title or beneficial interest in the profits of a cart licensed under this article.

"Protected franchise area" means a franchise area which a licensee protected at the last annual drawing under Sec. 17-827. A franchise area can only be protected for one consecutive annual drawing.

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~~"Outdoor public festival event"~~ means a community outdoor gathering held in a public place within the central city with the approval of the appropriate governmental unit and includes, but is not limited to the Circlefest, Circle of Sounds of Music, Indianapolis Symphony Music Festival, and Strawberry Festival, Black Expo, Mid-Summer Fest, 500 Festival Parade, White River Park State Games, Circle City Classic, Downtown Holiday Kickoff, and designated sporting events, whether indoors or outdoors.

DIVISION 2. LICENSES

Sec. 17-808. Licenses authorized.

(a) ~~The controller is authorized to issue three types of licenses pursuant to this article as follows:~~

1. ~~food vendor's cart license - for retail sales of food and beverages from carts;~~
2. ~~frozen food vendor's cart license - for retail sales of frozen foods from carts;~~
3. ~~flower vendor's cart license - for retail sales of flowers from carts.~~

~~Frozen food vendor's cart licenses shall not be issued for calendar year 1989.~~

(b) ~~Each license shall be issued to a specific licensee for a specifically identifiable cart.~~

~~(c)~~ (c) The controller shall report in writing to the council by the fifteenth day of January of each calendar year the number and type of licensed carts in the city on the last day of December of the preceding calendar year.

Sec. 17-~~825~~ 809. Application.

~~The An~~ application for a license provided in this article required by this division shall be verified sworn to by or on behalf of the applicant under penalties of perjury, made to the controller, and shall contain such information as the controller may prescribe, including the following information:

- (1) The name under which the business is to be conducted;
- (2) The name and address of the applicant and, if a firm, the name and address of each partner, or if a corporation, the names and addresses of its resident agents and officers and of all owners of the cart as defined in Sec. 17-807;
- (3) A physical description of the cart for which the license is desired.

Sec. 17-~~826~~ 810. Prerequisites to issuance of license.

The city controller may consider the application only if the following requirements are met:

- (1) Applicable permits required by the Health and Hospital Corporation of Marion County and other regulatory agencies have been secured and are in force.
- (2) The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator have been approved by the administrator of the division of ~~planning and zoning development services~~ for consistency with the objectives of this article.
- (3) If the cart will be operated in the Regional Center, Regional Center approval has been secured from the department of metropolitan development.

Sec. 17-~~827~~ 811. Issuance of original license; Application fee.

(a) ~~The controller may issue a license if the applicant meets all of the requirements of this article and issuance would further the objectives of this article. If applications are received for a number of licenses in excess of the number available for issuance the controller shall issue licenses first to qualified prior licensees and secondly any additional licensees based on a determination of which applications best meet the objectives of this article.~~

(b) Each original application for a license pursuant to this division for a cart shall be accompanied by an application fee of ~~two one~~ hundred fifty dollars (~~\$200.00~~) (\$150.00). ~~If additional licenses are not available, the controller shall refund the entire application fee.~~ In the event the action upon the application is favorable, the application fee shall be retained by the controller as the first annual fee. In the event of a denial of the application, ~~for reasons other than unavailability,~~ one hundred dollars (\$100.00) of the application fee shall be refunded with the remainder being retained to defray the administrative expense incurred in investigating and processing the application.

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Sec. 17-812. Renewal Fee.

Any qualified licensee not in violation of this article may annually renew the license for an additional year upon payment of an annual fee of one hundred dollars (\$100.00).

Sec. 17-~~828~~ 813. License period.

A license required by issued pursuant to this division shall be for a term ending December 31 of the calendar period of one year issued commencing the first day of January and shall be issued annually, or it may be issued at any later time during the last six (6) months of an annual term upon payment of half the annual fee, if the applicant has not been engaged in the business during any part of the preceding portion of the annual term; provided, however for 1989, applicants may be licensed effective January 1, 1990, for purposes of qualifying for the 1989 allocation of franchise areas under Sec. 17-827.

Sec. 17-~~829~~ 814. Effect of cessation of business.

No deductions shall be allowed from the fee for a license issued pursuant to this division for any part of the term for which the licensee does not engage in such business.

Sec. 17-~~837~~ 815. Issuance and display of insignia.

At the time the license is issued, the controller shall furnish an insignia for each cart consisting of a durable sign, not less than two (2) inches wide and three (3) inches long, upon which shall be inscribed " _____ Cart Vendor's License, Indianapolis, Indiana, _____," filling in the type of license, the number of the license and also the year during which the license shall be in force. Such sign shall be securely fastened in plain view on the outside of the cart. This sign may also indicate any limitations imposed by the controller on the operation of this cart.

Sec. 17-~~830~~ 816. Transferability.

No Δ license issued pursuant to this division shall not be transferable to another person licensee. A license may be transferred to used for another cart with the permission of the controller and payment of a transfer fee of fifty dollars (\$50.00).

Sec. 17-~~834~~ 817. Bond, Insurance and Indemnify.

(a) ~~The Δ licensee shall provide a three-thousand-dollar (\$3,000.00) bond which is payable to the city and approved by the corporation counsel as to sureties and form. The bond shall be conditioned upon the faithful observance of all the provisions of this article and Code applicable to him licensee and of all ordinances of the city and laws of this state concerning or regulating the merchandising and handling of the products so dealt in by the licensee; and it shall also be conditioned so as to indemnify any person obtaining a judgment against or accepting a settlement from the licensee because of any damage sustained on account of the violation by the licensee of any applicable terms of this article and Code or because of any misrepresentation or deception practiced upon such person by such licensee in operating the business.~~

(b) If a person holds more than one license, the same bond may be used for each of the licenses.

(c) ~~Sec. 17-832. Insurance.~~ The licensee shall provide a certificate of public liability insurance to the controller upon a form approved by the corporation counsel, insuring the person licensee, and naming the City of Indianapolis, as co-insured, against the following liabilities and in the following amounts relative to such retail activity:

Personal injury: \$100,000.00/\$300,000.00.

Property damage: \$25,000.00/\$50,000.00.

(d) ~~Sec. 17-833. Agreement to indemnify and hold harmless.~~ The licensee shall provide a document, approved by the corporation counsel, in which he the licensee agrees to indemnify and hold harmless the city for losses or expenses arising out of the operation of carts.

Sec. 17-818. Special events permits.

(a) After December 31, 1989, the controller may issue special event permits to licensees under this division to operate at the sites of special events.

(b) Upon request by any licensee or whenever the controller determines such permits are consistent with this article, the controller shall designate the number of such permits to be issued for such events and the duration of such permits.

(c) The controller shall issue such permits in rotation to licensees.

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(d) Licensees receiving such special permits shall abide by such restrictions as the controller may impose on such permits and also comply with such restrictions as the special event sponsor may require.

~~(g) (c)~~ public festivals Carts may not be operated or located in the area used for ~~an outdoor~~ public festival event, or within four hundred (400) feet of such area unless the controller gives written permission. This written permission may set forth requirements and conditions which must be met by licensees.

Sec. 17-809 812. Restrictions on operation.

Each licensee, his agents and employees, shall comply with the following restrictions on cart operation:

(a) Limitations on selling:

(1) Only beverages, ~~flowers~~ and food may be carried on or sold from a licensed food cart, only flowers from a licensed flower cart, and only frozen food from a licensed frozen food cart.

~~(7)~~(2) Such retail sales shall not be accomplished by crying out or hawking.

~~(9)~~(3) A device may not be used which would amplify or direct sound and attention may not be drawn to such retail sales by any aural means or a light-producing device.

~~(10)~~(4) Such retail sales may not be made to any person in or on any motorized vehicle.

~~(11)~~(5) Beverages, dispensed in disposable cans, shall have any separable opening tabs removed at the time the cans are sold, unless otherwise requested by the purchaser.

(b) Prohibited locations:

~~(2)~~(1) No cart may be located in any public park or plaza, without written authorization from the governmental agency with general jurisdiction or control over said park or plaza.

~~(12)~~(2) The operator of a cart may not dispense beverages or food on the same side of the street within fifty (50) feet of a primary entry way into a ground level retail food establishment ~~unless written approval is first obtained from the operator of such establishment and filed with office of the controller. The operator of a cart may not sell flowers on the same side of the street within fifty (50) feet of a primary entry way into a ground level retail flower establishment unless written approval is first obtained from the operator of such establishment and filed with the office of the controller.~~

~~(13)~~(3) No cart may be located or make such retail sales in that part of a right-of-way utilized for motor vehicle traffic (commonly referred to as a street), a street median strip or an alleyway.

~~(14)~~(4) No cart may be placed nor may such retail sales be made within twenty (20) feet of any posted bus stop, taxi stand, crosswalk, driveway or alleyway, within twenty (20) feet of the point at which the right-of-way lines of two (2) or more streets intersect or within six (6) feet of any building entrance, display window or walk-up window.

~~(18)~~(5) No cart may be parked or located nor may beverages, flowers or food be dispensed in a manner which would significantly impede or prevent the use of any sidewalk or public area, or which would endanger the safety or property of the public.

(6) After December 31, 1989 carts shall be operated within the central city only if a franchise permit has been issued for the cart pursuant to Division 3 of this article and only within the franchise area for which such permit is issued.

(c) Operational requirements:

~~(3)~~(1) The licensee, his agents and employees shall be required to obey the commands of law enforcement officers or firemen with respect to activity carried out on the sidewalks or public area, including the removal of the cart and cessation of such retail sales.

~~(4)~~(2) The cart must be taken from the sidewalk or public area when such retail sales are not being conducted.

~~(5)~~(3) No cart may be permanently or temporarily affixed to any fixed object, including but not limited to buildings, trees, signs, telephone poles, streetlight poles, traffic-signal poles or fire hydrants.

~~(14)~~(4) Carts may be placed and such retail sales may be made only on sidewalks which provide at least fourteen (14) feet of width from the curb line to the property line; provided that, a person licensed under this article may petition the city controller to allow operation of a cart on a specified sidewalk having a width of

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less than fourteen (14) feet. Such petition may be approved by the city controller only after the department of transportation and the department of metropolitan development have approved the petition.

~~(16)~~(5) Each cart must prominently display the license allowing such retail sales for public inspection at all times.

~~(17)~~(6) Each cart is to be operated by one and only one person and shall not be left unattended.

~~(19)~~(7) No cart may be used to advertise the product or service of another.

~~(20)~~(8) No cart shall display advertising decals or decorative embellishments not included in the original design approval.

~~(25)~~(9) Carts may not make use of any public or private electrical outlet while in operation or while located on a street or sidewalk.

(d) General requirements:

~~(6)~~(1) Efforts shall be made by the licensee to protect the sidewalk or public area against littering. Each cart must have an adequate trash receptacle which is emptied sufficiently often to allow disposal of litter and waste by the public at any time. The trash receptacle on the cart shall not be emptied into trash receptacles owned by the city.

~~(8)~~(2) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created.

~~(21)~~(3) Each cart shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred.

~~(22)~~(4) Foods which present a substantial likelihood that liquid matter, particles or part of the food will drop to the street or sidewalk during the process of carrying or eating the food, shall be sold in proper containers.

~~(23)~~(5) All carts licensed to sell food or beverages must place a nonporous material on the sidewalk beneath their carts in order to prevent spillage from the cart, staining or otherwise damaging the area around the carts. Acceptable materials include artificial turf, grass mats, or indoor/outdoor carpeting.

~~(24) All operators of food carts licensed as peddlers pursuant to Chapter 17, Article XXIII, of the Code of Indianapolis and Marion County, Indiana, are also required to place a nonporous material beneath their carts in order to prevent staining or other damage to the area around the cart. Acceptable materials include artificial turf, grass mats, or indoor/outdoor carpeting.~~

Sec. 17-810 ~~820~~. Restrictions on operation imposed by regulation.

The controller may by regulation impose appropriate conditions on the operation of carts by a licensee, his agent or employee in order to further the purposes of this article.

(1) The controller shall in accordance with this article limit the locations at which a cart may be operated or times during which a cart may be operated.

(2) The controller shall designate the kind of food, ~~frozen food~~, flowers and beverages which may be sold. ~~(For example, the controller may require that the cart confine its retail sales to the sale of flowers.)~~ The limits on the kind of retail sales which may be carried out established by the controller for one license may be different from those established for other licenses. The controller may make changes in the limits on the kind of retail sales which may be carried out at the end of the license term.

~~(3) The controller may by regulation forbid operation of a cart of a specified distance from an outdoor public festival or require that the licensee meet additional requirements imposed on all vendors by the organizers of an outdoor public festival.~~

(4)(3) The controller may by regulation require compliance with other reasonable conditions.

Sec. 17-811 ~~821~~. Inspection.

Each licensee and employee of a licensee shall comply at all times with all statutes, ordinances and regulations relating to the operation of the carts and shall allow an inspection by persons assigned to such duty by the health and hospital corporation, the division of code enforcement, a department of the state or the controller. If, upon inspection, any beverages, flowers or food shall be found unwholesome, stale, diseased, spoiled or otherwise unfit

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for its intended purpose, the products shall forthwith be condemned and removed by the licensee from the vehicle or other place where found and destroyed; such products shall be neither sold nor given away.

Sec. 17-812 ~~822~~. Identification cards.

Each licensee shall file with the controller the name and address together with two (2) photographs, two (2) inches by two (2) inches, of each employee who will be operating a cart and shall obtain from the controller an identification card for each employee. The identification card shall show the name and address of the employee, his photograph and the name and address of the holder of the cart license. The identification card shall be carried by the employee during all times he operates a cart and shall be exhibited at any time on demand.

Sec. 17-813 ~~823~~. Compliance with law.

As to each licensee, his agent or employee, under this article and each person so engaged in or operating any of the kinds of business covered by this article, each person shall comply with and obey all provisions of this Code and zoning ordinances which are at any time applicable thereto, and any other ordinances and all statutes relating to such business and to the conduct thereof.

Sec. 17-824 ~~824~~. Restrictions on licensing which would tend to lessen competition.

~~(a) No person shall hold the licenses for more than three (3) carts.~~

~~(b) No person who is in any way associated with one licensee under this article may be in any way associated with another licensee. For the purposes of this subsection, "associated with" means to have any financial interest in, to have any influence over the management or operation of, or to be an officer, employee or agent for a licensee. Violation of the provisions of this subsection shall be grounds for the denial of the application of any applicant and the immediate revocation of the license of any licensee.~~

DIVISION 3. CENTRAL CITY FRANCHISES

Sec. 17-825. Central city permits.

(a) The controller shall issue central city franchise permits to the food cart vendor licensees for the respective franchise areas allocated through the process provided in Sec. 17-827.

(b) The controller may issue central city franchise permits to not more than ten (10) frozen food cart vendor licensees. Such permits shall designate the franchise areas in which the permittee may obtain. If more than ten (10) frozen food cart vendor licenses request such permits, the controller shall conduct a random drawing among the licensees in a manner similar to that provided in Sec. 17-827.

(c) The controller may issue central city franchise permits to not more than ten (10) flower cart vendor licensees. Such permits shall designate the franchise areas in which the permittee may operate. If more than ten (10) flower food cart vendor licensees request such permits, the controller shall conduct a random drawing among the licensees in a manner similar to that provided in Sec. 17-827.

(d) No person shall be issued more than three (3) food cart vendor's licenses, more than two frozen food cart vendor's licenses, more than two flower cart vendor's licenses, or more than a total of four licenses under this section.

Sec. 17-824 ~~826~~. Franchise areas designated.

(a) The central city, and other areas of the city designated by the director of the department of metropolitan development, shall be divided into distinct franchise areas. The city controller on or before July 15, 1989, and thereafter before July 15 of each year (and within sixty days after other areas may be designated) shall divide the central city into not less than thirty (30) nor more than fifty (50) distinct franchise areas and certify to the clerk of the council a map showing the boundaries of each franchise area.

(b) Sec. 17-806. Purposes. The purposes of establishing such franchise areas are to allow the operation of carts is to for benefit to the residents of the city as a whole by promoting pedestrian traffic in the downtown, making the downtown visually more attractive and making a product conveniently available to members of the public without creating disadvantages for residents of the city by creating a health or safety hazard or unreasonably impeding pedestrian flow.

(c) Sec. 18-823. Restrictions on number of cart licenses. The controller shall determine: ~~¶~~ The total number of franchise areas which may be licensed are established hereunder are based on consideration of the following:

- (1) The effect on pedestrian flow and safety in public areas and sidewalks;
- (2) The effect on promoting pedestrian traffic and making the downtown visually more attractive;

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- (3) The effect upon the business of existing licensees and other retail sales of beverages, flowers and food;
- (4) Whether the public is being adequately served by existing licensees and other retail sale of food, flowers or beverages.

~~(5) Such other factors as the controller deems necessary.~~

~~(d) Each franchise area shall be configured to accommodate a single food cart vendor. Two food cart vendors may be permitted in a single franchise area if the controller determines there to be no rational basis for dividing it into two areas. Each franchise area shall be numbered consecutively, and if two food vendor carts are to be numbered consecutively, and if two food vendor carts are to be permitted in an area shall be designated by the number 2 in parenthesis following the area number.~~

~~(e) On or before August 15 of the year franchise areas are certified by the controller, the council may amend such areas. Such franchise areas as amended, or as certified if not so amended, shall be in effect until the next certification hereunder.~~

Sec. 17-827. Allocation of franchise areas.

~~(a) On or before August 20, 1989, and thereafter on or before August 20 of each year, the holder of any non-protected franchise may notify the controller that the holder elects to protect such non-protected franchise area for the next annual license period. If such holder is otherwise qualified for renewal of that license, the Controller shall allocate such franchise area to such holder as a protected franchise area.~~

~~(b) Between September 1 and September 30, 1989 and thereafter between September 1 and September 30 of each year, the controller shall conduct a public drawing to allocate all non-protected franchise areas for a term beginning January 1 and ending December 31 of the following year.~~

~~(c) At least twenty (20) days prior to the public drawing the controller shall give notice of such drawing by mail to each food vendor's cart licensee and by publication as provided in IC 5-3-1-2(i). Such notice shall state the time, date and place of the drawing, a list of all franchise areas available for selection at such drawing, and a general description of the method by which the drawing shall be conducted.~~

~~(d) Each licensee, whose license is not assigned to a protected franchise area, may participate in the drawing by paying a participation fee of twenty-five dollars (\$25.00) per license before September 1 of the year of a drawing. Such fee shall be non-refundable. Participating licensees and non-protected franchise areas shall be drawn at random. Successful participants may within forty-eight hours after the drawing, trade franchise areas. The remaining licensees shall be drawn and shall be eligible in that order for any franchise areas becoming available before the next drawing. It shall be unlawful for any participant to offer or accept any thing of value as consideration for trading franchise areas.~~

Sec. 17-828. Franchise Permit.

~~Whenever a central city franchise permit is issued, the controller shall furnish insignia to be affixed to the cart which shall identify the franchise area in which the cart is permitted to operate.~~

Sec. 17-808 829. Area and times of Restrictions on operations in franchise areas.

~~(e)(a) Hours of operation. Operators of carts selling food and beverages, or flowers shall may place their carts for operation only as allowed by the following schedule: anytime and~~

~~Monday thru Friday:~~

~~6:00 a.m. to 11:00 a.m.~~

~~1:30 p.m. to 6:00 p.m.~~

~~Anywhere in the licensee's assigned zone franchise area except as restricted below that between~~

~~11:00 a.m. to and 1:30 p.m., Monday through Friday.~~

~~Carts from which food or beverage are sold may be placed for operation only within two (2) locations specified by the controller in each zone franchise area. One (1) zone location shall be on or directly abutting a public park or plaza within such zone franchise area as directed by the controller. The boundaries of these locations shall be defined by the controller. In each zone dual franchise area, the controller, shall schedule the two (2) carts for the locations in such a manner so that each licensee has approximately equal access to business opportunities (e.g., each cart at one (1) location on alternate days).~~

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6:00 p.m. to 6:00 a.m.

~~Any zone designated except as restricted by this article or other applicable law or regulation or order of the controller.~~

Saturday and Sunday

~~Any zone designated except as restricted by this article or other applicable law or regulation or order of the controller.~~

~~The date of holiday observance of Memorial Day, Independence Day and Labor Day shall be the date established by the city-county council; or, if no date is established by the council, by state law.~~

~~(d)(b)~~ Separation of carts. A cart may not be placed for operation at a location within forty (40) feet of a place where another cart is placed for operation. Where two (2) or more carts are so located, the cart which has been most recently located in violation of this provision shall be required to move so as not to be in violation.

~~(e)(c)~~ Prohibited locations. A cart may not be placed for operation at a location directly in front of the primary entrance to a retail business, office building or church. The area in which a cart may not be placed is defined by the doorway line, lines running on either side of the door to the nearest curb, and the curb lines.

~~(f)(d)~~ City Market Square. During the hours from 6:00 a.m. to 6:00 p.m., Monday through Saturday, except holidays when the City of Indianapolis offices or Marion County offices are closed, carts may not be located or operated within an area bounded as follows:

- North--The north right-of-way line of Ohio Street;
- South--The south right-of-way line of Market Street;
- West--The west right-of-way line of Delaware Street; and
- East--The east right-of-way line of Alabama Street.

DIVISION 4. REVOCATION AND ENFORCEMENT.

Sec. 17-834 ~~830~~. Revocation for nonuse.

The controller may, following a hearing, revoke ~~the any food vendor's cart license for a cart~~ if that cart has not been used annually for retail sales for the minimum number of days indicated at specified dates:

Minimum days of use	Dates
20	May 1
50	July 1
80	September 1

Sec. 17-835 ~~831~~. Revocation of license for violation of requirements.

The controller may, after a hearing, revoke a license for a cart or, if appropriate, revoke all of the licenses for carts held by a single licensee, if it is found:

- (1) The application contained a material misstatement;
- (2) The licensee, his agent or employee is not currently complying with section 17-831 ~~806~~, 17-832 or 17-833 ~~826~~;
- (3) The licensee, his agent or employee has been found to have violated a health code or zoning requirement while operating a cart;
- (4) The licensee, his agent or employee is in significant violation of any section of this article; or
- (5) The licensee, his agent or employee has been found to be in violation of section 17-6 of this chapter.

Sec. 17-814 ~~832~~. Penalty for violations.

~~(a)~~ Any violation of any provision of this article shall be subject to the general penalty for violating this Code as contained in section 1-8, ~~in addition~~. Any license issued pursuant to this article may be suspended or revoked by the controller as provided by Division ~~2~~ 4 of this article.

~~(b)~~ Any three (3) convictions of violations of Article XXIII of the Code of Indianapolis and Marion County, Indiana, or of regulations issued by the controller, within any twelve (12)-month period of time shall be an automatic

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cause for license revocation of that cart license for the balance of the current licensee period with no repayment of licensing fees.

Sec. 17-~~838~~ 833. Appeals to license review board.

A decision of the controller made under Sec. 17-~~824~~ 811, ~~17-827~~, 17-~~834~~ 830, ~~17-835~~ or 17-~~836~~ 831 is appealable to the license review board pursuant to Sec. 17-68 of this chapter. Other decisions made by the controller under this article are not appealable to the license review board.

Sec. 17-834. Transitional Rules.

(a) Persons who upon the effective date of this ordinance, hold valid cart vendor's licenses under the provisions of Chapter XXIII superceded by this ordinance, shall be entitled to renewal of those licenses for the balance of the calendar year 1989, upon payment of the renewal fee of one hundred dollars (\$100.00). Provided that in no event shall the number of licensed carts exceed fifty-one (51), no more than thirty-five (35) of which shall be for the sale of food and beverages and no person shall be the owner of more than three (3) food cart vendor's licenses.

(b) Persons whose licenses are renewed pursuant to subsection (a) shall be entitled to continue operation within the cart zones to which they are currently assigned until December 31, 1989.

(c) Any person holding one or more cart zone assignments pursuant to subsection (b) may protect one or two franchise areas designated pursuant to Sec. 826 in which such person is operating by filing an election with the controller as provided in Sec. 17-827. All franchise areas not so protected shall be available for assignment as provided in Sec. 17-827.

(d) Until December 31, 1989, licenses renewed pursuant to Subsection (a) shall comply with all the provisions of this article except that the operation of food cart vendors in the central city shall not be subject to Sec. 17-827, but shall be subject to the following section 17-835.

Sec. 17-~~808~~ 835. Area and times of operation, during 1989.

(a) Location restricted. Carts licensed pursuant to this article may be operated only in the geographic area bounded as follows: North--16th Street; east--East Street/Central Street; south--South Street; west (going from south to north)--West Street, West Washington Street, White River, Fall Creek.

(b) Zones. Until December 31, 19889, the seventeen (17) zones previously established by the controller shall continue for beverages, food, and flowers sold from carts. Up to three (3) licenses may be assigned to any one (1) zone. Except where more existed on November 1, 1987, in any one (1) zone two (2) will be for food, beverage, or both; and one (1) for flowers. Assignment of each license to a particular zone shall be made by the controller, when a new license is issued.

(c) Hours of operation. Operators of carts selling food, beverages, or flowers shall place their carts for operation only as allowed by the following schedule:

Monday thru Friday:

6:00 a.m. to 11:00 a.m.

1:30 p.m. to 6:00 p.m.

Anywhere in the licensee's assigned zone except as restricted below.

11:00 a.m. to 1:30 p.m.

Carts from which food or beverage are sold may be placed for operation only within two (2) locations specified by the controller in each zone. One (1) zone shall be on or directly abutting a public park or plaza within such zone as directed by the controller. The boundaries of these locations shall be defined by the controller. In each zone, the controller, shall schedule the two (2) carts for the locations in such a manner so that each licensee has approximately equal access to business opportunities (e.g., each cart at one (1) location on alternate days).

6:00 p.m. to 6:00 a.m.

Any zone designated except as restricted by this article or other applicable law or regulation or order of the controller.

Saturday and Sunday

Any zone designated except as restricted by this article or other applicable law or regulation or order of the controller.

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The date of holiday observance of Memorial Day, Independence Day and Labor Day shall be the date established by the city-county council; or, if no date is established by the council, by state law.

(d) Separation of carts. A cart may not be placed for operation at a location within forty (40) feet of a place where another cart is placed for operation. Where two (2) or more carts are so located, the cart which has been most recently located in violation of this provision shall be required to move so as not to be in violation.

(e) Prohibited locations. A cart may not be placed for operation at a location directly in front of the primary entrance to a retail business, office building or church. The area in which a cart may not be placed is defined by the doorway line, lines running on either side of the door to the nearest curb, and the curb lines.

(f) City Market Square. During the hours from 6:00 a.m. to 6:00 p.m., Monday through Saturday, except holidays when the City of Indianapolis offices or Marion County offices are closed, carts may not be located or operated within an area bounded as follows:

North--The north right-of-way line of Ohio Street;
South--The south right-of-way line of Market Street;
West--The west right-of-way line of Delaware Street; and
East--The east right-of-way line of Alabama Street.

(g) Public festivals. Carts may not be operated or located in the area used for an outdoor public festival, or within four hundred (400) feet of such area unless the controller gives written permission. This written permission may set forth requirements and conditions which must be met by licensees.

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

PROPOSAL NO. 98, 1989. Councillor Curry reported that the Administration Committee heard Proposal No. 98, 1989, on March 9, 1989. The proposal amends the Code, Section 17-650, Liability insurance, to reduce the combined limit coverage for personal injury and property damage beginning on April 1, 1989. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Curry, for adoption.

Councillor Curry indicated that there is presently discussion in the state legislature concerning this issue.

Councillor Hawkins voiced his full support for this proposal.

Proposal No. 98, 1989, was adopted on the following roll call vote; viz:

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

Councillor Brooks abstained due to a possible conflict of interest.

Proposal No. 98, 1989, was retitled GENERAL ORDINANCE NO. 24, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", specifically Section 17-650, Liability insurance, to reduce the combined limit coverage for personal injury and property damage beginning on April 1, 1989.

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

March 20, 1989

SECTION 1. Section 17-650 of the "Code of Indianapolis and Marion County, Indiana", be, and is hereby amended by deleting the stricken-through text to read as follows:

Sec. 17-650. Liability insurance.

(a) No license shall be issued pursuant to this article unless the applicant therefor has filed a public liability insurance policy with the controller which covers each taxi or limousine to be used in the licensed business and complies with the requirements of subsections (b) or (c).

(b) Each taxi licensee under this article shall maintain in effect at all times the public liability insurance required by subsection (a), which will indemnify anyone injured by any of the licensee's drivers or by anyone operating any of the licensee's taxis. The liability insurance shall be not less than one hundred thousand dollars (\$100,000.00) combined limit coverage for personal injury and property damage beginning ~~in calendar year 1987, and three hundred thousand dollars (\$300,000.00) combined limit coverage for personal injury and property damage beginning on April 1, 1989.~~

(c) Each limousine licensee under this article shall maintain in effect at all times the public liability insurance required by subsection (a), which will indemnify anyone injured by any of the licensee's drivers or by anyone operating any of the licensee's limousines. The liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) combined limit coverage for personal injury and property damage.

(d) The policy of insurance required by subsection (a) shall contain endorsements in accordance with 49 CFR section 387.39 (Form MCS-90B). Such policy on insurance shall remain in effect continuously until terminated. Cancellation may be effected only by the insurer or the insured giving thirty-five (35) days' notice in writing to the other, such notice to commence on the date the notice is mailed, with proof of mailing being sufficient proof of notice. Such public liability insurance policy shall contain an endorsement which shall provide that cancellation may be affected by the insurer only upon providing thirty (30) days prior written notice to the controller of the intention to cancel, with the thirty (30) days' notice to commence from the date the notice is received by the controller.

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

PROPOSAL NO. 103, 1989. Councillor Durnil reported that the Committee heard Proposal No. 103, 1989, on March 2, 1989. The proposal approves the sale of certain real estate of the Department of Parks and Recreation. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Durnil moved, seconded by Councillor Clark, for adoption. Proposal No. 103, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 103, 1989, was retitled SPECIAL RESOLUTION NO. 19, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1989

A SPECIAL RESOLUTION approving the sale of certain real estate of the Department of Parks and Recreation.

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

SECTION 1. The City-County Council approves, pursuant to I.C. 36-1-11-3, the sale of the following real property by the Department of Parks and Recreation:

<u>LOCATION</u>	<u>APPRAISED VALUE</u>
East side of 1400 block of South Keystone Avenue South side of Pleasant Run Creek	\$38,000

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

PROPOSAL NOS. 117 and 156, 1989. Councillor SerVaas stated that if there was no objection, these two proposals would be voted on together. Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 117 and 156, 1989, on March 1, 1989. PROPOSAL NO. 117, 1989, amends the Code by authorizing a one-way stop on 52nd Street at Porters Pike. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 156, 1989, amends the Code by authorizing a 4-way stop at Mud Creek Road and 86th Street. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Solenberg, for adoption. Proposal Nos. 117 and 156, 1989, were adopted on the following roll call vote; viz:

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

Proposal No. 117, 1989, was retitled GENERAL ORDINANCE NO. 25, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1989

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 addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 3	Potters Pike (SB) & 52nd St	Potters Pike (SB)	Stop

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

Proposal No. 156, 1989, was retitled GENERAL ORDINANCE NO. 26, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1989

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>
7, Pg. 1	Mud Creek Rd & W. 86th St	W. 86th St	Stop

March 20, 1989

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>
7, Pg. 1	Mud Creek Rd & 86th St	None	Stop

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

PROPOSAL NO. 141, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 141, 1989, on March 9, 1989. The proposal establishes an ad-hoc committee to review the operations of the Central Equipment Management Division. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Holmes, for adoption. Proposal No. 141, 1989, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams

2 NAYS: Gilmer, Mukes-Gaither

2 NOT VOTING: Borst, Giffin

Proposal No. 141, 1989, was retitled COUNCIL RESOLUTION NO. 35, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 1989

A COUNCIL RESOLUTION establishing a Fleet Management Study Committee.

WHEREAS, the purchase, maintenance, and timely repair of vehicles and equipment are important, but expensive, items for any well-run city; and

WHEREAS, this subject affects nearly all city and county departments and agencies; and

WHEREAS, the Indianapolis City-County Council wishes to study the vehicle and equipment maintenance and management operations of Indianapolis and Marion County in more detail; 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 hereby creates a special Fleet Management Study Committee to study all Indianapolis and Marion County vehicle and equipment maintenance and management operations.

SECTION 2. The goals of said committee are to be:

(a) To study the efficiency, productivity and cost effectiveness of the existing garages and fleet purchasing and management systems from both an operational and a strategic or overall perspective.

(b) To research the relationship between the repair and maintenance operation, and the vehicle and equipment users.

(c) To analyze the optimal service and costs of functions done by the private and public sectors, or any combinations thereof.

(d) To study any other related aspects of fleet management which may help minimize costs and maximize service for the ultimate benefit of the people of Indianapolis and Marion County.

SECTION 3. The council president shall appoint three (3) council members who shall in turn identify and work with experts from outside of local government who are knowledgeable in vehicle and machinery purchasing, repair, servicing, maintenance (including preventative) and in fleet management, to serve as members on this special committee.

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SECTION 4. The committee shall proceed with impartial judgment, shall seek voluntary cooperation with the management and employees of the affected city and county facilities, make periodic reports of its research, and prepare a final report to the council president and to the mayor.

SECTION 5. All committee meetings shall be open to the public; and Section 5.01 of City-County Fiscal Ordinance No. 93, 1988, shall apply.

SECTION 6. This resolution shall expire September 30, 1989, unless granted an extension to finalize the committee's work by the council president.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The President recessed the City-County Council for purposes of convening the Police Special Service District at 10:13 p.m.

SPECIAL SERVICE DISTRICT COUNCILS

POLICE SPECIAL SERVICE DISTRICT

SPECIAL ORDERS - PUBLIC HEARING

A quorum being present, the President called the Police Special Service District Council to order at 10:13 p.m.

PROPOSAL NO. 151, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 151, 1989, on March 8, 1989. The proposal appropriates \$20,000 for the Department of Public Safety, Police Division, for the Victim Assistance Program to produce a rape awareness video for educational purposes. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public hearing at 10:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 151, 1989, was adopted on the following roll call vote; viz:

17 YEAS: Borst, Boyd, Coughenour, Curry, Dowden, Golc, Hawkins, Holmes, Howard, Irvin, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, West

11 NAYS: Brooks, Clark, Cottingham, Durnil, Gilmer, Jones, McGrath, Moriarty, Schneider, Strader, Williams

1 NOT VOTING: Giffin

Proposal No. 151, 1989, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1989, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1989

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1989 (Police Special Service District Fiscal Ordinance No. 4, 1988) appropriating an additional Twenty Thousand Dollars (\$20,000) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

**BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the Police Special Service District Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of Department of Public Safety, Police Division, for the Victim Assistance Program to produce a rape awareness video for educational purposes.

March 20, 1989

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) 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:

DEPARTMENT OF PUBLIC SAFETY	POLICE SPECIAL SERVICE DISTRICT
<u>POLICE DIVISION</u>	<u>POLICE SERVICE DISTRICT FUND</u>
3. Other Services & Charges	\$20,000
TOTAL INCREASE	\$20,000

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

	POLICE SPECIAL SERVICE DISTRICT
	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	\$20,000
TOTAL REDUCTION	\$20,000

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

There being no further business for the Police Special Service District Council, the President reconvened the City-County Council at 10:25 p.m.

NEW BUSINESS

Councillor Coughenour indicated that new Air Pollution Regulations as distributed will go into effect on April 9, 1989, unless action of the Council is required. There were no requests stated.

Councillor Schneider expressed that he read in the paper about how someone out on bond murdered another. This raised concerns to him about the strictness on those people getting out on bond. Concerns he has deals with how the bond amount is set; is the bond determined by the judge; and could the bonds be more strict than what they are now. Councillor SerVaas asked that Councillor Dowden look into this and possibly bring it before the Public Safety and Criminal Justice Committee for study.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, upon motion duly made and seconded, the meeting adjourned at 10:25 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 20th day of March, 1989.

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


President

ATTEST:



Clerk of the Council

(SEAL)