

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

**REGULAR MEETINGS  
MONDAY, AUGUST 28, 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 7:07 p.m. on Monday, August 28, 1989, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

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

A quorum of twenty-eight members being present, the President called the meeting to order. (Clerk's Note: Councillor Hawkins arrived thereafter.)

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Howard introduced William Wilson, Jr., who wrote a song about the City of Indianapolis, and asked that it be played. Mr. Wilson stated that he wrote the song because of his love for the City. The song was played for the Council.

**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:

*Journal of City-County Council*

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers on Monday, August 28, 1989, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all other business that may properly come before regular meetings of the Councils.

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

August 15, 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, August 17, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 393, 394, 395, 396, 397, 398, 399, 337, and 421, 1989, to be held on Monday, August 28, 1989, at 7:00 p.m. in the City-County Building.

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

August 9, 1989

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 68, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Hundred Seven Thousand Nine Hundred Fifty-two Dollars (\$107,952) in the County General Fund for purposes of the Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 69, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Thirty Thousand Nine Hundred Ninety-nine Dollars (\$30,999) in the County General Fund for purposes of the county agencies which are participating in a work-study program, and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 70, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Twenty Thousand Dollars (\$20,000) in the Property

*August 28, 1989*

Reassessment Fund for purposes of the Perry Township Assessor, and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

FISCAL ORDINANCE NO. 71, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Six Thousand Nine Hundred Seventy-four Dollars (\$6,974) in the Property Reassessment Fund for purposes of the Washington Township Assessor, and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

FISCAL ORDINANCE NO. 72, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Four Hundred Four Thousand Dollars (\$2,404,000) in the Welfare General Fund for purposes of the Marion County Welfare Department, and reducing the unappropriated and unencumbered balance in the Welfare General Fund.

FISCAL ORDINANCE NO. 73, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Six Thousand Dollars (\$6,000) in the State and Federal Grant Fund for purposes of the Marion County Justice Agency, and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 74, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Fifty Thousand Seven Hundred Sixty Dollars (\$50,760) in the State and Federal Grant Fund for purposes of the Marion County Justice Agency, and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 75, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Fifty-three Thousand Dollars (\$53,000) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney, and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 76, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Three Hundred Thousand Dollars (\$300,000) in the Diversion Fund for purposes of the Prosecuting Attorney, and reducing the unappropriated and unencumbered balance in the Diversion Fund.

FISCAL ORDINANCE NO. 77, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Hundred Seventy-nine Thousand Five Hundred Sixty-five Dollars (\$279,565) in the County Correction Fund for purposes of the various county agencies, and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 78, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Eleven Thousand Six Hundred Eighty-eight Dollars (\$11,688) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney, and reducing certain other appropriations for that Fund.

FISCAL ORDINANCE NO. 79, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Thousand Two Hundred Dollars (\$1,200) in the Supplemental Adult Probation Fees Fund for purposes of the Superior Court, Criminal Division, and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation Fund.

FISCAL ORDINANCE NO. 80, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Forty Thousand Dollars (\$40,000) in the County General Fund for purposes of the Presiding Judge of the Municipal Court, and reducing the unappropriated and unencumbered balance in the County General Fund.

*Journal of City-County Council*

FISCAL ORDINANCE NO. 81, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Sixty Thousand Dollars (\$60,000) in the County General Fund for purposes of the Voters Registration and reducing certain other appropriations for that department.

FISCAL ORDINANCE NO. 82, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Hundred Twenty-five Thousand Dollars (\$225,000) in the Indianapolis Housing Authority Fund for purposes of the Department of Metropolitan Development, Housing Division, and reducing certain other appropriations for that Division.

GENERAL ORDINANCE NO. 62, 1989, amending Article II, Division 6 and Article V, Division 5 of Chapter 8 of the "Code of Indianapolis and Marion County, Indiana", by revising the fees for certain activities regulated by Chapter 8.

GENERAL ORDINANCE NO. 63, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 48-50 of Chapter 23 1/2, to add an additional holiday for sheriff's deputies and to provide for additional death leave and sick leave.

GENERAL ORDINANCE NO. 64, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

SPECIAL ORDINANCE NO. 12, 1989, authorizing the City of Indianapolis to issue its First Lien Economic Development Revenue bonds, Series 1989 (The Home Place Project) in an aggregate principal amount not to exceed \$3,700,000 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 13, 1989, approving a Release and Assumption Agreement and Amendment to Certain Obligations relating to a previously-issued City of Indianapolis Economic Development Revenue Bond in the principal amount of \$1,300,000 for CFS Continental, Inc. dated December 12, 1980 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 14, 1989, authorizing the issuance and sale of bonds by the Board of Commission of the County of Marion (the "Board") for the purpose of making a loan to procure funds necessary for the Marion County Welfare Fund (the "Welfare Fund") in order to defray the expenses and pay the obligations of the Marion County Department of Public Welfare (the "Department of Public Welfare") (excluding administrative expenses and facilities, supplies, and equipment expenses), in the administration of the Department of Public Welfare for the unexpired portion of the fiscal year, and to pay the expenses in connection with or on account of the issuance of such bonds, and appropriating the proceeds of such bonds.

SPECIAL ORDINANCE NO. 15, 1989, authorizing the issuance and sale of bonds by the Board of Commissions of the County of Marion (the "Board") for the purpose of making a loan to procure funds necessary to be advanced by Marion County to Center Township for poor relief purposes and to pay the expenses in connection with or on account of the issuance of such bonds, and appropriating the proceeds of such bonds.

GENERAL RESOLUTION NO. 8, 1989, approving the Board of Public Works Resolution No. 2844-1989, a resolution declaring the Sewer Service accounts listed in the Schedule of Uncollectible Final Accounts as uncollectible and authorizing the cessation of further collection efforts.

GENERAL RESOLUTION NO. 9, 1989, modifying the operating budget of the Capital Improvements Board of Managers of Marion County, Indiana, by amending City-County General Resolution No. 13, 1988.

SPECIAL RESOLUTION NO. 42, 1989, honoring Homecroft's Respect for Law Camp.

SPECIAL RESOLUTION NO. 43, 1989, honoring the Rhodius Park basketball team.

August 28, 1989

SPECIAL RESOLUTION NO. 44, 1989, honoring the Heart for the City Project.

SPECIAL RESOLUTION NO. 45, 1989, honoring the Dynamo '75 Ladies soccer team.

SPECIAL RESOLUTION NO. 46, 1989, honoring Phi Kappa Psi Fraternity.

SPECIAL RESOLUTION NO. 47, 1989, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 48, 1989, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 49, 1989, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 50, 1989, approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

SPECIAL RESOLUTION NO. 51, 1989, amending City-County Special Resolution No. 39, 1988, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF JOURNALS**

President SerVaas called for additions or corrections to the Journal of August 1, 1989. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 475, 1989. This proposal honors Maurine Marchani, a science teacher at Stonybrook Junior High School and two of her seventh grade students, Steve Prater and Sheryl Stratton. Councillor Ruhmkorff, along with Councillor Solenberg, read the resolution and presented a framed document to Steve Prater, Sheryl Stratton and Maurine Marchani. Steve and Sheryl were accompanied by their families. Ms. Marchani expressed her appreciation for the recognition. She stated that the motto of the school is "being our best is our business" and she believes that Steve and Sheryl have done this and is very proud of them. Councillor Ruhmkorff moved, seconded by Councillor Solenberg, for adoption. Proposal No. 475, 1989, was adopted by unanimous voice vote.

Proposal No. 475, 1989, was retitled SPECIAL RESOLUTION NO. 52, 1989, and reads as follows:

*Journal of City-County Council*

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 1989

A SPECIAL RESOLUTION honoring Steve Prater, Sheryl Stratton and Maurine Marchani.

WHEREAS, Warren Township's Stonybrook Junior High School science teacher, Maurine Marchani, gave her seventh grade students a challenging science assignment: "Look around, find a need, and try to fill that need."; and

WHEREAS, student Steve Prater, who has spina bifida, using five dollars worth of common household items, invented a handwriting stabilizer which enabled classmate Sheryl Stratton, who has cerebral palsy, to write for the first time in her life; and

WHEREAS, the five dollar invention was judged one of the 45 first place winners out of 300,000 entries in national competition; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Stonybrook Junior High School science teacher Maurine Marchani for her inspiration and guidance.

SECTION 2. The Council further recognizes Stonybrook Junior High students Steve Prater and Sheryl Stratton who collaborated to use Steve's ingeniously simple award-winning device that helped make life more fulfilling to fellow human beings.

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. 476, 1989. This proposal memorializes Hollis V. Becker. Councillor Dowden read the resolution and presented a framed document to Rose Marie Becker, who was accompanied by her daughter, Michelle Glesing, and son-in-law. Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 476, 1989, was adopted by unanimous voice vote.

Proposal No. 476, 1989, was retitled SPECIAL RESOLUTION NO. 53, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1989

A SPECIAL RESOLUTION memorializing Hollis V. Becker.

WHEREAS, Hollis V. Becker, who passed away May 18, 1989, had served on the Marion County Community Corrections Advisory Board since the Board's inception in 1981; and

WHEREAS, Mr. Becker was looked upon as being fairminded, and was sincerely dedicated to make the community corrections program a model for the nation; and

WHEREAS, Mr. Becker gave generously of his personal time to the Board activities, and with the monitoring and rehabilitation of home detention offenders; 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 commends the foresight and dedication beyond the call of duty of Hollis V. Becker.

SECTION 2. The Council additionally recognizes the long lasting value of Mr. Becker's contribution to the Marion County Community Corrections Program, its staff, and the offenders it serves, who were all made better by Mr. Becker's quiet inspirational influence.

SECTION 3. The Council offers its sincere sympathy to Mr. Becker's widow, Rose Marie Becker, and to their children.

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

August 28, 1989

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

PROPOSAL NO. 477, 1989. This proposal honors Indiana Secretary of the Year, Emma L. Moore, CPS. Councillor Curry read the resolution and presented a framed document to Ms. Moore. She expressed her appreciation for the recognition. Councillor Curry moved, seconded by Councillor Gilmer, for adoption. Proposal No. 477, 1989, was adopted by unanimous voice vote.

Proposal No. 477, 1989, was retitled SPECIAL RESOLUTION NO. 54, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1989

A SPECIAL RESOLUTION honoring Indiana Secretary of the Year, Emma L. Moore, CPS.

WHEREAS, Emma L. Moore, CPS, has been with General Motors Corporation for 34 years, and is currently Executive Secretary to the Director of Product Support of GM's Allison Gas Turbine Division; and

WHEREAS, Mrs. Moore is a Certified Professional Secretary, has earned a Secretarial Science Degree, Bachelor's and Master's Degree, and was a member of the 1989 Professional Secretaries International Goodwill People-to-People Delegation to the People's Republic of China, Singapore, Thailand, Indonesia and Hong Kong; and

WHEREAS, Mrs. Moore has generously contributed countless hours of time to her professional organizations and to her profession, has been honored with inclusion in the 1989 Edition of WHO'S WHO OF AMERICAN WOMEN, and has recently been elected as the 1989 Secretary of the Year by the Indiana Division of Professional Secretaries International; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Emma L. Moore, CPS, for achieving the high honor of being selected as the 1989 Indiana Secretary of the Year.

SECTION 2. The Council additionally wishes to thank Mrs. Moore for her many years of altruistic volunteer work for the continuing education and benefit of others in her chosen profession.

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. 478, 1989. This proposal recognizes and congratulates all who were involved with the seventeen-year-old Indianapolis-Scarborough Peace Games. Councillor Howard read the resolution and presented a framed document to Jennifer Voris and Jean Kesterson, who work for the Department of Parks and Recreation and helped organize the Indianapolis-Scarborough Peace Games. They expressed their appreciation for the recognition. Councillor Howard moved, seconded by Councillor West, for adoption. Proposal No. 478, 1989, was adopted by unanimous voice vote.

Proposal No. 478, 1989, was retitled SPECIAL RESOLUTION NO. 55, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1989

A SPECIAL RESOLUTION concerning the Indianapolis-Scarborough Peace Games.

WHEREAS, the seventeen-year-old Indianapolis-Scarborough Peace Games is the oldest and largest international amateur sporting event in Indiana and was the genesis for the amateur sports movement in Indianapolis; and

*Journal of City-County Council*

WHEREAS, important benefits of the Games include long lasting friendships developed between residents of Scarborough, Canada, and Indianapolis, USA, good amateur sporting competition, and a healthy cultural exchange; and

WHEREAS, the August, 1989, Games were especially important because this was the eight-to-eight win-loss tie breaking year; now therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates all who are involved with the seventeen-year-old Indianapolis-Scarborough Peace Games.

SECTION 2. The Council further specifically recognizes the 4,000 Indianapolis athletes in fifteen sports who entered the Games, Art Strong, Jennifer Voreis and Jean Kesterson of the Indianapolis Department of Parks and Recreation, and the local government officials who attended the 1989 Games in Scarborough, Canada, earlier this month.

SECTION 3. The Council additionally recognizes the Scarborough athletes, local elected officials, and their volunteer chairman, Mary Jane Aaroe, all of whom proved to be excellent hosts, competitive athletes, and good sports this year.

SECTION 4. The people and the City of Indianapolis look forward to hosting our Canadian neighbors in Indianapolis next summer for the 1990 Games.

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

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

PROPOSAL NO. 392, 1989. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 392, 1989, on August 14, 1989. The proposal appoints members of an Urban Enterprise Association. By a 5-1-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst indicated that there was new information provided by the staff of the Department of Metropolitan Development, and he asked that this proposal be sent back to committee. Without objection, Proposal No. 392, 1989, was sent back to committee to be heard again.

President SerVaas passed the gavel to Councillor West.

PROPOSAL NO. 494, 1989. This proposal repeals Council Resolution No. 41, 1989, thus discharging the Special Committee to study the City's Department of Public Utilities.

Councillor SerVaas thanked the members of the special committee who were to study the City's public utilities, particularly Citizen's Gas. He stated that he lost the battle in the media. In his opinion, those opposing the idea of the committee were Citizen's Gas, the Indianapolis newspapers, and the Citizen's Action Coalition, and they created a lot of negative publicity dealing with the committee. They strongly wanted the Mayor to appoint the committee, rather than President SerVaas.

President SerVaas met with representatives from Citizen's Gas and from that meeting an agreement was made: that the special committee would be discharged and that the representatives from Citizen's Gas would report to the Council on their operations, gas rates, gas supplies, and contractual services.

President SerVaas will meet with the Committee on Committees to determine what standing committee will meet with the gas company.



August 28, 1989

Councillors Shaw and Rhodes indicated that they do not like the fact that the gas company will be raising their rates now after the special committee will be discharged. They asked the representatives of Citizen's Gas or the newspapers to explain this. Councillor Rhodes also suggested that the PEPPER Committee include the public utilities in their review of the Municipal Corporations.

Councillor Boyd mentioned many things that deal with the gas company that he believes should be looked into. He will be supporting a proposal in the future to have the Municipal Corporations Committee review the gas company and get some answers to many questions he has pertaining to the nature and trust of the gas company. He explained that the Council has a responsibility to the citizens of Indianapolis to have these questions answered.

Councillor SerVaas asked the Council to support him in his appeal and moved, seconded by Councillor Dowden, for adoption. Proposal No. 494, 1989, was adopted by unanimous voice vote.

Proposal No. 494, 1989, was retitled COUNCIL RESOLUTION NO. 42, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 1989

A COUNCIL RESOLUTION to repeal Council Resolution No. 41, 1989, thus discharging the Special Committee to study the City's Department of Public Utilities.

WHEREAS, the City-County Council in recent action did establish a Special Committee to study the City's Department of Public Utilities, known as Citizen's Gas; and

WHEREAS, just before the Special Committee was about to begin its enquiry, Citizen's Gas and your presiding officer met and agreed that henceforth Citizen's Gas would regularly report to this Council, and in particular on its operations, gas rates, customer service, and gas supply; now therefore:

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

SECTION 1. That the Indianapolis City-County Council repeal its Council Resolution No. 41, 1989, thus discharging this Special Committee.

SECTION 2. That this Council vote its special thanks to the nine members of the Special Committee for their willingness to have undertaken this important mission for the Council.

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

Councillor West returned the gavel to President SerVaas.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 445, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Division 2 of Chapter 17, of the Code, dealing with the composition and operation of the license review board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 446, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,000,000 for the County Auditor for expenditure in connection with negotiation, acquisition, and renovation of a jail annex facility"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 447, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$120,000 for the Information Services Agency to pay for increased hardware and software maintenance cost associated with acquisition of a second CPU"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 448, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$2,200 for the Lawrence Township Assessor to cover unexpected expenses in the office supply account"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 449, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,500 for the Perry Township Assessor to cover costs of additional labels and forms within the supply account"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 450, 1989. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$3,800,000 of anticipated Section 108 loan proceeds for the Department of Metropolitan Development, Community Development Administration, to provide persons of low-moderate income with the opportunity to purchase an affordable home within goals set forth by the Housing Strategy Plan adopted by the City of Indianapolis"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 451, 1989. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying, and approving the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District of Indianapolis, Indiana"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 452, 1989. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying, and approving the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County, Indiana"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 453, 1989. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying, and approving the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County, Indiana"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 454, 1989. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying, and approving the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation of Marion County, Indiana"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 455, 1989. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying, and approving the operating and maintenance budget and tax levies of the In-

August 28, 1989

dianapolis-Marion County Public Library Board of Marion County, Indiana"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 456, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$11,200 for the Department of Parks and Recreation, Eagle Creek Division, to provide a youth archery program, financed from a Lilly Endowment Grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 457, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$18,800 of private grant proceeds for the Department of Parks and Recreation, Recreation and Sports Facilities Division, to provide various youth sports programs"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 458, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$175,000 for the Department of Parks and Recreation, Administration Division, to continue improvement of the Fall Creek Corridor by addition of parking, bike trail, signage, landscaping, paths and boat launch"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 459, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,500 for the Superior Court, Criminal Division, Probation Department, to pay for additional supplies needed to make new capital expenditure purchases operational"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 460, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE appropriating \$232,484 for the Department of Public Safety, Fire Division, to fund salaries of authorized personnel and to cover underfunding in the 1989 budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 461, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$49,593 for the Department of Public Works, Administration Division, to hire staff for the expansion of the Solid Waste Collection District and implement the Solid Waste Service Fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 462, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,500,000 for the Department of Public Works, Liquid Waste Processing Operations, to help pay for construction, rehabilitation, and upgrade of sanitary services and Northside Diversion Project"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 463, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$284,435 for the Department of Public Works, Office of the Director, to hire staff for

the expansion of the Solid Waste Collection District and implement the Solid Waste Service Fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 464, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$27,829 for the Department of Public Works, to hire staff for the expansion of the Solid Waste Collection District and implement the Solid Waste Service Fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 465, 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 Indiana News, on a portion of Maryland Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 466, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at the intersection of Post Road and Raymond Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 467, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at the intersection of Edgewood Avenue and Keystone Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 468, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at the intersection of Five Points Road and Southport Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 469, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit on Manderley Drive between 86th and 91st Streets"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 470, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking changes on portions of Central Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 471, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 25 mph speed limit control change on Hillside Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 472, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at the intersection of Evanston Avenue and 58th Street, and also at the intersection of Hillside Avenue and 58th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 473, 1989. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code

August 28, 1989

by authorizing a 4-way stop at the intersection of Burton Avenue and Roach Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 474, 1989. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by prohibiting parking on certain days and hours on Delaware Street, on the east side, from 25th Street to Fall Creek Parkway, South Drive"; and the President referred it to the Transportation Committee.

### MODIFICATION OF SPECIAL ORDERS

PROPOSAL NO. 479, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing and directing the appropriate officers of Marion County to cause to be prepared and executed an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for Marion County"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 493, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$11,500 for the Juvenile Detention Center to provide equipment for training, recreation, and recordkeeping"; and the President referred it to the Public Safety and Criminal Justice Committee.

### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 443, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 443, 1989, on August 16, 1989. The proposal extends the expiration date contained in an inducement resolution adopted in August, 1988, for Coburn Place Associates Limited. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 443, 1989, was adopted on the following roll call vote; viz:

*25 YEAS: Borst, Boyd, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, Ser-Vaas, Shaw, Solenberg, Strader, West, Williams*

*0 NAYS*

*4 NOT VOTING: Brooks, Clark, Howard, McGrath*

Proposal No. 443, 1989, was retitled SPECIAL RESOLUTION NO. 56, 1989, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1989

A SPECIAL RESOLUTION amending City-County Special Resolution No. 46, 1988, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 46, 1988, (the "Inducement Resolution") has been previously adopted by the City-County Council of The City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Coburn Place Associates Limited (the

*Journal of City-County Council*

"Company") which Inducement Resolution set an expiration date of September 30, 1989 unless the economic development revenue bonds for the Project have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of the inducement resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of September 30, 1989 contained therein and replacing said date with the date of March 31, 1990.

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

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

PROPOSAL NO. 444, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 444, 1989, on August 16, 1989. The proposal extends the expiration date contained in an inducement resolution adopted in November, 1986, for Thomas P. Sheehan. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Schneider moved, seconded by Councillor Gilmer, to strike the proposal. Proposal No. 444, 1989, was stricken by unanimous voice vote.

Councillor Williams indicated that there were many people in the audience to hear Proposal No. 366, 1989, and asked that it be heard next. Without objection, the proposal was moved up on the agenda and heard as the next item.

PROPOSAL NO. 366, 1989. Councillor Durnil reported that the Parks and Recreation Committee heard Proposal No. 366, 1989, on August 10, 1989. The proposal approves certain public purpose grants for support of the arts. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Durnil stated that a technical amendment needed to be made for Proposal No. 366, 1989. He explained that the figures on the proposal do not add up to the total and asked that the proposal be amended by the following motion:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 366, 1989, be amended as follows:

In Section 1 change the total for the Arts Council Administrative Support to read \$12,240 in lieu of the amount of \$12,704.

(Note: this will not change the total of the resolution.)

---

Councillor Durnil

Proposal No. 366, 1989, was amended by unanimous voice vote. Councillor Durnil moved, seconded by Councillor Williams, for adoption. Proposal No. 366, 1989, As Amended, was adopted on the following roll call vote; viz:

August 28, 1989

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

Proposal No. 366, 1989, As Amended, was retitled GENERAL RESOLUTION NO. 10, 1989, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 1989

A GENERAL RESOLUTION approving certain public purpose grants for support of the arts.

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

SECTION 1. The following grants totaling \$99,704 approved by Special Resolution No. 7, 1989 of the Board of Parks and Recreation, for support of the arts are approved for the following organizations in the amounts set opposite their respective names:

Phoenix Theatre, Inc.	\$ 7,500
Very Special Arts Indiana	6,300
Freetown Village, Inc.	5,920
Young Audiences of Indiana, Inc.	7,000
Indianapolis Children's Choir	7,174
Madame Walker Urban Life Center, Inc.	7,000
Starlight Musicals, Inc.	3,500
Arts Indiana, Inc.	6,300
Indianapolis Dance Company	2,800
Indianapolis Chamber Orchestra	2,800
Stories, Inc.	4,320
Indianapolis Arts Chorale	2,380
Soul People Repertory Company	5,000
Ensemble Music Society	3,900
American Pianists Association, Inc.	4,500
Eiteljorg Museum of American Indian and Western Art	3,150
Writers' Center of Indianapolis, Inc.	3,300
Dans Ethnik, Inc.	2,520
Indiana Film Society	2,100
Arts Council Administrative Support	<u>12,240</u>
Total	\$99,704

SECTION 2. This resolution is adopted in satisfaction of the requirements of Sec 4.01(b) of the Annual Budget for 1989, Fiscal Ordinance No. 93, 1988.

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

PROPOSAL NOS. 480 - 485, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 3, 1989". The Council did not schedule Proposal Nos. 480 - 485, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 480 - 485, 1989, were retitled REZONING ORDINANCE NOS. 150 - 155, 1989, and are identified as follows:

REZONING ORDINANCE NO. 150, 1989. 89-Z-113 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 17  
3623 WEST 30TH STREET, INDIANAPOLIS.  
EAGLEDALE PLAZA, L.P., by Harry F. McNaught, Jr., requests the rezoning of 13.4 acres, being in the I-3-V district, to the C-4 classification to conform zoning to its use of a shopping center.

REZONING ORDINANCE NO. 151, 1989. 89-Z-131 WARREN TOWNSHIP

*Journal of City-County Council*

COUNCILMANIC DISTRICT NO. 13  
139 SOUTH MITTHOEFER ROAD (REAR), INDIANAPOLIS.  
ROBERT S. SEIBEL requests the rezoning of 16.3 acres, being in the A-2 district, to the SU-3 classification to provide for use as a part of a planned golf course.

REZONING ORDINANCE NO. 152, 1989. 89-Z-132 (AMENDED) WASHINGTON TOWNSHIP COUNCILMANIC DISTRICT NO. 4  
7320 NORTH KEYSTONE AVENUE, INDIANAPOLIS.  
GERALD H. TARSHERS, by Stephen D. Mears, requests the rezoning of 1.28 acres, being in the C-1 district, to the C-3 classification to provide for retail development.

REZONING ORDINANCE NO. 153, 1989. 89-Z-137 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
5355 NORTH RACEWAY ROAD, INDIANAPOLIS.  
JOSEPH WARREN, INC., by Mary E. Solada, requests the rezoning of 15.74 acres, being in the D-S district, to the PK-2 classification to provide for single-family development.

REZONING ORDINANCE NO. 154, 1989. 89-Z-139 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 2  
9593 DITCH ROAD, INDIANAPOLIS.  
TALBOTT W. DENNY AND ROBERT B. HOLLANDER, by Stephen A. Backer requests the rezoning of 5 acres, being in the A-2 district, to the D-5 classification to provide for the development of 20 detached single-family homes.

REZONING ORDINANCE NO. 155, 1989. 89-Z-141 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5  
8123 CASTELTON ROAD, INDIANAPOLIS.  
GLENN T. AND CAROLYN B. SHAY, by John H. Calhoun, Jr., requests the rezoning of 0.69 acre, being in the SU-9 district, to the C-4 classification to provide for a veterinary office.

PROPOSAL NO. 486, 1989. Introduced by Councillor Borst. The Clerk read the proposal entitled "REZONING ORDINANCE certified by the Metropolitan Development Commission on August 9, 1989". The Council did not schedule Proposal No. 486, 1989, for hearing pursuant to IC 36-7-4-608. Proposal No. 486, 1989, was retitled REZONING ORDINANCE NO. 156, 1989, and is identified as follows:

REZONING ORDINANCE NO. 156, 1989. 89-Z-81 (AMENDED) PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20  
7210 U.S. 31 SOUTH, INDIANAPOLIS.  
HANNA AND MUNIRA SHOMAL AND JIRIES W. AND ISA W. ISHAK request the rezoning of 4 acres, being in the A-2 district, to the C-1 classification to provide for retail sales.

PROPOSAL NOS. 487 - 492, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 18, 1989". The Council did not schedule Proposal Nos. 487 - 492, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 487 - 492, 1989, were retitled REZONING ORDINANCE NOS. 157 - 162, 1989, and are identified as follows:

REZONING ORDINANCE NO. 157, 1989. 89-Z-134 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 2  
3837 KNOLLTON ROAD, INDIANAPOLIS.  
TRAMMELL CROW COMPANY, by Harry F. McNaught, Jr., requests the rezoning of 16 acres, being in the A-2 district, to the D-6 II classification to provide for multi-family development.

REZONING ORDINANCE NO. 158, 1989. 89-Z-142 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 23  
3672 EAST RAYMOND STREET, INDIANAPOLIS.  
PHILLIP L. AND JUDITH E. STEWART request the rezoning of 1.095 acres, being in the D-3 district, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 159, 1989. 89-Z-148 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 15  
7212 EAST WASHINGTON STREET, INDIANAPOLIS.  
RALPH DOUGLAS WALKER requests the rezoning of .6 acre, being in the D-3 district, to the C-1 classification to provide for office development.



August 28, 1989

REZONING ORDINANCE NO. 160, 1989. 89-Z-151 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 17

2002 LAFAYETTE ROAD, INDIANAPOLIS.

KENNETH L. HITE AND THOMAS H. CARROLL, by Phillip C. thrasher, requests the rezoning of 1.953 acres, being in the C-4 district, to the C-ID classification to provide business use (distributor of manufacturing tools, equipment and parts).

REZONING ORDINANCE NO. 161, 1989. 89-Z-152 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 17

2840 COLD SPRINGS ROAD, INDIANAPOLIS.

AL-FAJR JAMI MASJID requests the rezoning of 2 acres, being in the HD-1 district, to the SU-1 classification to provide for a church.

REZONING ORDINANCE NO. 162, 1989. 89-Z-159 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 23

3350 CARSON AVENUE, INDIANAPOLIS.

INDIANA BIBLE COLLEGE, by Stephen D. Mears, requests the rezoning of 13 acres, being in the SU-6 district, to the SU-2 classification to provide for the development of an educational campus with uses including a bible college, accessory athletic facilities as a christian school.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 306, 1989. This proposal is a rezoning ordinance for Center Township, Councilmanic District 16, 2411 North Illinois Street. Councillor West stated that the petitioner in Rezoning Docket 89-Z-93 (City-County Proposal No. 306, 1989) had consented to the extension of the final action date on such petition, pursuant to IC 36-7-4-608 (c)(3).

The President called for public testimony at 8:46 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Howard, for adoption. Proposal No. 306, 1989, was adopted on the following roll call vote; viz:

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

*1 NAY: Solenberg*

*3 NOT VOTING: Hawkins, McGrath, Schneider*

Proposal No. 306, 1989, was retitled REZONING ORDINANCE NO. 163, 1989, and reads as follows:

REZONING ORDINANCE NO. 163, 1989. 89-Z-93 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 16

2411 NORTH ILLINOIS STREET, INDIANAPOLIS.

INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY, by Stephen D. Mears, requests the rezoning of 4.10 acres, being in the C-S/RC district, to the SU-37/RC classification to provide for a library service center.

PROPOSAL NO. 421, 1989. This proposal is a rezoning ordinance for Perry Township, Councilmanic District 25, 1002 West Hanna Avenue. Councillor Borst reported that this proposal was certified by the Metropolitan Development Commission on July 6, 1989. On August 1, 1989, it was called out for public hearing, which would be held on August 28, 1989. Councillor Borst indicated that since that time the petitioner no longer cares to pursue this rezoning, due to the fact that the Metropolitan Development Commission denied the Petition for Variance of the height requirements of the I-3-U Development Standards.

The President called for public testimony at 8:48 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Cottingham, to defeat the proposal. Proposal No. 421, 1989, was defeated on the following roll call vote; viz:

Journal of City-County Council

0 YEAS

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

2 NOT VOTING: *McGrath, Solenberg*

PROPOSAL NO. 337, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 337, 1989, on July 26, 1989. The proposal appropriates \$600,000 for MECA to pay consultant firm(s) for the preparation of a detailed design and specification for the new integrated county-wide emergency communications system. By a 8-0 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 8:57 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 337, 1989, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Holmes, Irvin, Jones, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams*

0 NAYS

6 NOT VOTING: *Giffin, Hawkins, Howard, McGrath, Shaw, Solenberg*

Proposal No. 337, 1989, was retitled FISCAL ORDINANCE NO. 83, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Six Hundred Thousand Dollars (\$600,000) 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 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 estimated for purposes of the Department of Public Safety, Metropolitan Emergency Communications Agency, to pay consultant firm(s) for work in 1989 for preparation of detailed system design and preparation of specification for the new integrated county-wide emergency/Public Safety communications system. Pursuant to I.C. 5-1-14-6, the cost of this Systems Integration Agreement is to be reimbursed to the issuer from the proceeds of any obligations issued to finance the Marion County Public Safety Communications System.

SECTION 2. The sum of Six Hundred Thousand Dollars (\$600,000) 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	METROPOLITAN EMERGENCY
<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>COMMUNICATIONS FUND</u>
3. Other Services & Charges	\$600,000
TOTAL INCREASE	\$600,000

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

	<u>METROPOLITAN EMERGENCY</u>
	<u>COMMUNICATIONS FUND</u>
Unappropriated and Unencumbered	
Metropolitan Emergency Communications Fund	\$600,000

August 28, 1989

TOTAL REDUCTION

\$600,000

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

PROPOSAL NO. 393, 1989. Councillor Durnil reported that the Parks and Recreation Committee heard Proposal No. 393, 1989, on August 10, 1989. The proposal appropriates \$1,900 for the Department of Parks and Recreation, Recreation and Sports Facilities Division, to purchase a tent for medical purposes at the Velodrome. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:59 p.m. There being no one present to testify, Councillor Durnil moved, seconded by Councillor Howard, for adoption. Proposal No. 393, 1989, was adopted on the following roll call vote; viz:

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

0 NAYS

5 NOT VOTING: Borst, Hawkins, Howard, McGrath, Solenberg

Proposal No. 393, 1989, was retitled FISCAL ORDINANCE NO. 84, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Thousand Nine Hundred Dollars (\$1,900) in the Park General Fund for purposes of the Department of Parks and Recreation, Recreation and Sports Facilities Division, 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 and Sports Facilities Division, to purchase a tent for medical purposes at the Velodrome.

SECTION 2. The sum of One Thousand Nine Hundred Dollars (\$1,900), 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	
<u>RECREATION AND SPORTS FACILITIES DIVISION</u>	
4. Capital Outlay	<u>\$1,900</u>
TOTAL INCREASE	\$1,900

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>\$1,900</u>
TOTAL REDUCTION	\$1,900

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

PROPOSAL NOS. 394, 396, and 398, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 394, 396, and 398, 1989, on August 23, 1989. Proposal No. 394, 1989, appropriates \$50,959 for the

Presiding Judge of the Municipal Court, to staff the new court with one court reporter, one chief bailiff, three court bailiffs, and one public defender. Proposal No. 396, 1989, appropriates \$29,872 for the County Sheriff for additional correction officers to allow reassignment of Merit Deputies for a new evening session of Domestic Violence Court. Proposal No. 398, 1989, appropriates \$26,231 for the Prosecuting Attorney to pay salaries for one deputy prosecutor and two advocates for the new Domestic Violence Court recently established. By a 3-2 vote, the Committee tabled the proposals. Councillor Dowden asked that these proposals be postponed until the Council meeting on October 9, 1989.

Councillor Williams asked why the Committee had to wait so long to hear the proposals. Councillor Dowden explained that due to the abundance of budget hearings scheduled in September already, these proposals will be heard after the budget hearings.

Without objection Proposal Nos. 394, 396, and 398, 1989, were postponed until October 9, 1989.

PROPOSAL NO. 395, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 395, 1989, on August 23, 1989. The proposal appropriates \$23,285 for the Presiding Judge of the Municipal Court to add three Alcohol and Drug Services/probation Officers. 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 9:03 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 395, 1989, was adopted on the following roll call vote; viz:

*23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, West*

*0 NAYS*

*6 NOT VOTING: Dumil, Howard, McGrath, Moriarty, Strader, Williams*

Proposal No. 395, 1989, was retitled FISCAL ORDINANCE NO. 85, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Twenty-three Thousand, Two Hundred Eighty-five Dollars (\$23,285) in the Alcohol and Drug Services Fund for purposes of the Presiding Judge of the Municipal Court, and reducing the unappropriated and unencumbered balance in the Alcohol and Drug Services Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (bb) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Presiding Judge of the Municipal Court, to add three Alcohol and Drug Services/Probation Officers for September to December, 1989.

SECTION 2. The sum of Twenty-three Thousand, Two Hundred Eighty-five Dollars (\$23,285), 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:

August 28, 1989

<u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	<u>ALCOHOL AND DRUG SERVICES FUND</u>
1. Personal Services	\$19,404
<u>COUNTY AUDITOR</u>	
1. (Fringes at 20%)	<u>3,881</u>
TOTAL INCREASE	\$23,285

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

	<u>ALCOHOL AND DRUG SERVICES FUND</u>
Unappropriated and Unencumbered	
Alcohol and Drug Services Fund	<u>\$23,285</u>
TOTAL REDUCTION	\$23,285

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

PROPOSAL NO. 397, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 397, 1989, on August 23, 1989. The proposal originally appropriated \$17,798 for the Clerk of the Circuit Court to add two new clerks to the new Municipal Court authorized by the new legislation just passed. The Committee amended the proposal to appropriate \$6,375 instead of \$17,798. 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 9:05 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 397, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 397, 1989, was retitled FISCAL ORDINANCE NO. 86, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Six Thousand Three Hundred Seventy-five Dollars (\$6,375) in the County General Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the County 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 2.01 (d) 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 Clerk of the Circuit Court to add two clerks to the new Municipal Court as authorized by recently enacted legislation and to pay for printing of traffic tickets and related postage for the clerk's staff who operate the Court Violations Bureau for the remainder of 1989.

SECTION 2. The sum of Six Thousand Three Hundred Seventy-five Dollars (\$6,375), be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	<u>\$6,375</u>
TOTAL INCREASE	\$6,375

Journal of City-County Council

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	\$6,375
TOTAL REDUCTION	\$6,375

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

PROPOSAL NO. 399, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 399, 1989, on August 23, 1989. The proposal appropriates \$1,940 for the Marion County Community Corrections Agency to fund the attendance of the Executive Director and the Jail Component Coordinator at the American Correctional Association Conference. 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 9:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 399, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 399, 1989, was retitled FISCAL ORDINANCE NO. 87, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Thousand Nine Hundred Forty Dollars (\$1,940) in the State and Federal Grant Fund for purposes of the Marion County Community Corrections Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (aaa) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections Agency to transfer from User Fees into State and Federal Grant Funds for purposes of funding attendance of the Executive Director and Jail Component Coordinator at the American Correctional Association Conference.

SECTION 2. The sum of One Thousand Nine Hundred Forty Dollars (\$1,940), 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:

MARION COUNTY	
<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANT FUND</u>
3. Other Services & Charges	\$1,940
TOTAL INCREASE	\$1,940

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grant Fund	\$1,940
TOTAL REDUCTION	\$1,940

August 28, 1989

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

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 400, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 400, 1989, on August 23, 1989. The proposal approves a professional service contract with Goodwill Industries for diagnostic testing in the jail component of the Marion County Community Corrections Program. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 400, 1989, was adopted on the following roll call vote; viz:

23 YEAS: *Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, Williams*

0 NAYS

6 NOT VOTING: *Borst, Howard, McGrath, Moriarty, Schneider, West*

Proposal No. 400, 1989, was retitled GENERAL RESOLUTION NO. 11, 1989, and reads as follows:

#### CITY-COUNTY GENERAL RESOLUTION NO. 11, 1989

A GENERAL RESOLUTION authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component diagnostic testing program.

WHEREAS, the Marion County Community Corrections Advisory Board was established pursuant to I.C. 11-12-2-2 and City-County Special Resolution No. 103, 1981; and

WHEREAS, any agreement entered into by the Advisory Board to provide diagnostic testing programs must be approved by the City-County Council; and

WHEREAS, the Marion County Community Corrections Advisory Board desires to contract with a professional service provider to implement a diagnostic testing program in the Marion County Community corrections jail component; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County, as the legislative body of Marion County, hereby approves the contractual agreement contemplated by the Marion County Community Corrections Advisory Board and Goodwill Industries of Central Indiana Incorporated to implement a diagnostic testing program in the Marion County Community Corrections jail component, as set forth in Exhibit A submitted herewith.

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

#### EXHIBIT A

#### AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement ("Agreement") entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between Marion County Community Corrections Advisory Board ("Board") and Goodwill Industries of Central Indiana, Incorporated (Contractor")

#### WITNESSETH:

WHEREAS, the Board wishes to obtain the professional services of Contractor to provide diagnostic testing and evaluation; and

WHEREAS, Contractor has the qualifications and personnel to provide such diagnostic testing and evaluation and is qualified to contract therefor.

*Journal of City-County Council*

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1. Services To Be Performed.

Contractor shall provide diagnostic testing and evaluation services in the jail component of the Marion County Community Corrections Program in accordance with its proposal, attached hereto as Exhibit A, for eligible offenders who are selected by the Board.

SECTION 2. Obligations of Contractor.

2.1 Contractor shall operate the diagnostic testing and evaluation program ("Program") contemplated herein pursuant to all current and future written policies, guidelines, and procedures adopted by the Board.

2.2 In the event that a conflict arises between the in-house procedures, policies, or guidelines of Contractor and the Board, the Board's procedures, policies, and guidelines shall govern.

2.3 Contractor shall be responsible for filing all administrative reports and statistical data requested by the Board pursuant to time schedules determined by the Board. The Board is authorized to withhold payments for reasonable periods in order to ensure prompt compliance with such report filing schedules.

2.4 Contractor shall attend and participate in meetings with the Board and the Community Corrections Jail Component Coordinator ("Coordinator") to monitor and evaluate performance of this Agreement.

2.5 Contractor shall accept into the Program all those offenders who have been screened by the Board pursuant to its eligibility requirements and selected under Section 1 hereof. Refusal to accept any such eligible offender shall be a material breach of this Agreement.

2.6 Any conduct by a participant in the Program which could reasonably be interpreted as a violation of jail rules shall promptly be reported to the Coordinator. The Coordinator shall supply the Contractor with written procedural directions for such situations. The jail rules for the Program shall be communicated to the Contractor upon execution of this Agreement.

SECTION 3. Personnel.

3.1 Contractor shall maintain an organizational chart showing staff responsibilities and written job descriptions which accurately describe current duties for all personnel performing services under this Agreement.

3.2 Contractor shall identify and establish minimum employment qualifications for all personnel performing services under this Agreement. Contractor shall ensure that all personnel are adequately trained to perform their assigned duties and responsibilities and that its staff include at least one psychologist or psychometrist.

3.3 Contractor shall prohibit fraternization of a social or business nature between its personnel and the Program participants.

SECTION 4. Disclosure.

4.1 Records which are maintained in connection with the performance of this Agreement ("Records") shall be confidential and shall be disclosed only in the following circumstances:

- a. to the offender upon presentation of proper identification; or
- b. to the offender's agent or attorney upon presentation of:
  - i. proper identification;
  - ii. a notarized statement by the offender identifying the person acting as his agent or attorney; or
- c. upon court order, or
- d. to probation officers, or
- e. to a governmental agency providing a lawful service to or on behalf of the offender, or
- f. when otherwise authorized by law.

4.2 Communications of information between or among personnel of Contractor, the Board, and the Marion County Community Corrections Agency ("Agency") shall not constitute disclosures of Records; and, accordingly, no releases shall be required for such communications.



August 28, 1989

4.3 Contractor will take appropriate precautions and institute appropriate policies and procedures to ensure the security of the Records. Such procedures shall include, but not be limited to, segregating the Records from other patient information and clearly marking the Records as "Confidential-Authorized Access Only."

4.4 Contractor shall take appropriate action by instruction, agreement, or notice to inform its personnel who have access to Records of the confidential nature of such Records, of the prohibitions against their disclosure, and of the continued applicability of such disclosure prohibitions to such personnel after termination of their working relationship with Contractor.

SECTION 5. Compensation.

Contractor shall receive a fixed monthly compensation in the amount of \$1,083.00/month, payment to be made thirty (30) days in arrears. However, the Board may withhold payment in the event Contractor's performance is unsatisfactory. Upon Contractor's cure of any defective performance, the Board shall resume payment hereunder but may pro rate compensation in accordance with the performance received.

SECTION 6. Term.

The term of this Agreement shall be in effect for twelve (12) months beginning August 1, 1989.

SECTION 7. Indemnification.

Contractor shall indemnify and hold harmless the Board, the Agency, the City of Indianapolis, the County of Marion, and the Mayor of the City of Indianapolis and their officers, agents, officials, and employees from and against any and all claims, threats of claims, actions, loss, liability, judgments, liens, or costs arising out of any negligent acts or omissions by Contractor or its officers, agents, or employees in any manner connected with the performance of this Agreement. Such indemnity shall include attorneys' fees and shall not be limited by reason of any insurance coverage referenced herein.

SECTION 8. Insurance.

8.1 Contractor shall obtain and maintain at its sole expense a comprehensive general liability insurance policy in an amount acceptable to the Board.

8.2 Contractor's staff psychologist shall qualify under the provisions of the Indiana Medical Malpractice Act (Ind. Code 16-9.5 et seq.) ("Act"). At its sole expense, Contractor shall maintain the insurance coverage required by the Act and shall pay the surcharge due thereunder.

8.3 Contractor shall furnish certificates evidencing the coverage specified in 8.1 and 8.2 herein with insurance companies that meet with the approval of Marion County. Contractor shall furnish the Board with a copy of the proof of financial responsibility required of its staff psychologist by Ind. Code 16-9.5-2-1(a)(1). Such certificates and proof of financial responsibility shall be delivered on or before the effective date of this Agreement.

8.4 Contractor shall acquire and maintain workmen's compensation, disability and employer's liability insurance as required by Indiana statute and shall provide evidence of the same to the Board upon request.

SECTION 9. Non-discrimination.

Contractor and its subcontractors, if any, shall not discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of his or her race, religion, color, sex, handicap, national origin, ancestry, disabled veteran status, or Vietnam era veteran status. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 10. Termination.

10.1 The Board may terminate this Agreement upon thirty (30) days written notice to the Contractor except as provided below.

10.2 In the event of a material breach of this Agreement by Contractor, the Board may terminate this Agreement upon forty-eight (48) hours written notice to the Contractor. The Board shall be the sole arbiter in determining whether there has been such a material breach. The potential instances of material breach which are specifically mentioned in this Agreement are not exclusive and do not limit the Board's determination.

10.3 If funds for the continued fulfillment of this Agreement are at any time not forthcoming or are insufficient, through failure of any entity to appropriate funds or otherwise, the Board shall have the right to terminate this Agreement without penalty by giving written notice documenting the lack of funding.

Journal of City-County Council

SECTION 11. Binding on Successor and Assigns.

The covenants, agreements, and provisions of this Agreement shall be binding upon and shall inure to the benefit of the Contractor, its successors, and assigns.

SECTION 12. Non-Assignability.

Contractor shall not assign, delegate, or otherwise transfer its rights or obligations under this Agreement except with the prior written consent of the Board. Any prohibited assignment or delegation will be void.

SECTION 13. Independent Contractor.

The parties agree that Contractor is an independent contractor, as that term is commonly used, and is not an employee of the Board or Marion County. As such, Contractor is solely responsible for all taxes and none shall be withheld from the sums paid to Contractor. Contractor acknowledges that it is not insured in any manner through the Board or Marion County for any loss of any character whatsoever.

SECTION 14. Documentation Required by Board.

Contractor certifies that it will furnish the Board any and all documentation, certification, authorization, license, permit, or registration currently required by the laws or rules and regulations of the City of Indianapolis, the County of Marion, the State of Indiana, and the United States, and other units of local, state, and federal government. Contractor further certifies that it is now in and will maintain good standing with such governmental agencies and that it will keep its license, permit, registration, authorization, or certification in force during the term of this Agreement. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 15. Amendment.

This Agreement may be changed, altered, amended, or modified only by a written instrument signed by Contractor and the Board.

SECTION 16. Extent of Agreement.

The headings of the several sections herein are for convenience only and do not define, limit, or construe the contents of such sections. This Agreement represents the ENTIRE understanding between the parties hereto.

IN WITNESS WHEREOF, Contractor and the Board, by their duly authorized representatives, have executed this Agreement as of the day and year first above written.

"BOARD"

"CONTRACTOR"

By: \_\_\_\_\_  
Pat Nickell, Chairman

By: \_\_\_\_\_

MARION COUNTY

APPROVED AS TO FORM AND CONTENT:

By: \_\_\_\_\_  
William H. Hudnut, III  
Mayor

By: \_\_\_\_\_  
Kristie L. Hill  
Corporation Counsel

PROPOSAL NO. 401, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 401, 1989, on August 23, 1989. The proposal approves a professional service contract with Flynn Christian Fellowship Houses for substance abuse treatment in the jail component of the Marion County Community Corrections Program. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Irvin, for adoption. Proposal No. 401, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, Williams

0 NAYS

6 NOT VOTING: Borst, Howard, McGrath, Moriarty, Schneider, West

August 28, 1989

Proposal No. 401, 1989, was retitled GENERAL RESOLUTION NO. 12, 1989, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 1989

A GENERAL RESOLUTION authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component substance abuse treatment program.

WHEREAS, the Marion County Community Corrections Advisory Board was established pursuant to I.C. 11-12-2-2 and City-County Special Resolution No. 103, 1981; and

WHEREAS, any agreement entered into by the Advisory Board to provide a substance abuse treatment program must be approved by the City-County Council; and

WHEREAS, the Marion County Community Corrections Advisory Board desires to contract with a professional service provider to implement a substance abuse treatment program in the Marion County Community Corrections jail component; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County, as the legislative body of Marion County, hereby approves the contractual agreement contemplated by the Marion County Community Corrections Advisory Board and Flynn Christian Fellowship Houses, Inc. of Indiana to implement a substance abuse treatment program in the Marion County Community Corrections jail component, as set forth in Exhibit A submitted herewith.

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

EXHIBIT A

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement ("Agreement") entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between Marion County Community Corrections Advisory Board ("Board") and Flynn Christian Fellowship Houses, Inc. of Indiana ("Contractor")

WITNESSETH:

WHEREAS, the Board wishes to obtain the professional services of Contractor to provide substance abuse treatment which has been certified through the Indiana Department of Mental Health, Division of Addiction Services ("certified substance abuse treatment"); and

WHEREAS, Contractor has the qualifications and personnel to provide such certified substance abuse treatment and is qualified to contract therefor.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1. Services To Be Performed.

Contractor shall provide certified substance abuse treatment in the jail component of the Marion County Community Corrections Program.

SECTION 2. Obligations of Contractor.

2.1 Contractor shall operate the certified substance abuse treatment program ("Program") contemplated herein pursuant to all current and future written policies, guidelines, and procedures adopted by the Board.

2.2 In the event that a conflict arises between the in-house procedures, policies, or guidelines of Contractor and the Board, the Board's procedures, policies, and guidelines shall govern.

2.3 Contractor shall be responsible for filing all administrative reports and statistical data requested by the Board pursuant to time schedules determined by the Board. The Board is authorized to withhold payments for reasonable periods in order to ensure prompt compliance with such report filing schedules.

2.4 Contractor shall attend and participate in meetings with the Board and the Community Corrections Jail Component Coordinator ("Coordinator") to monitor and evaluate performance of this Agreement.

## *Journal of City-County Council*

2.5 Contractor shall accept into the Program all those offenders who have been screened by the Board and have met all of the eligibility requirements established by the Board. Refusal to accept any such eligible offender shall be a material breach of this Agreement.

2.6 Any conduct by a participant in the Program which could reasonably be interpreted as a violation of jail rules shall promptly be reported to the Coordinator. The Coordinator shall supply the Contractor with written procedural directions for such situations. The jail rules for the Program shall be communicated to the Contractor upon execution of this Agreement.

### SECTION 3. Personnel.

3.1 Contractor shall maintain an organizational chart showing staff responsibilities and written job descriptions which accurately describe current duties for all personnel performing services under this Agreement.

3.2 Contractor shall identify and establish minimum employment qualifications for all personnel performing services under this Agreement. Contractor shall ensure that all personnel are adequately trained to perform their assigned duties and responsibilities.

3.3 Contractor shall prohibit fraternization of a social or business nature between its personnel and the Program participants.

### SECTION 4. Disclosure.

4.1 Records which are maintained in connection with the performance of this Agreement ("Records") shall be confidential and shall be disclosed only in the following circumstances:

- to a physician, psychologist, or psychiatrist designated in writing by the patient or by an attorney representing the patient, or
- upon court order, or
- when otherwise authorized by law.

4.2 Communications of information between or among personnel of Contractor, the Board, and the Marion County Community Corrections Agency ("Agency") shall be in conformity with the disclosure guidelines of the Indiana Department of Mental Health, Division of Addiction Services.

4.3 Contractor will take appropriate precautions and institute appropriate policies and procedures to ensure the security of the Records. Such procedures shall include, but not be limited to, segregating the Records from other patient information and clearly marking the Records as "Confidential-Authorized Access Only."

4.4 Contractor shall take appropriate action by instruction, agreement, or notice to inform its personnel who have access to Records of the confidential nature of such Records, of the prohibitions against their disclosure, and of the continued applicability of such disclosure prohibitions to such personnel after termination of their working relationship with Contractor.

4.5 Any disclosures, whether oral or written, of Records whether pursuant to patient consent or not, shall be accompanied by the following notice:

This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

### SECTION 5. Compensation.

Contractor shall receive \$42,000.00 over the term of this Agreement divided into a fixed monthly amount of \$3,500.00, payment to be made thirty (30) days in arrears. However, the Board may withhold payment in the event Contractor's performance is unsatisfactory. Upon Contractor's cure of any defective performance, the Board shall resume payment hereunder but may pro rate compensation in accordance with the performance received.

### SECTION 6. Term.

This Agreement shall be in effect for twelve (12) months beginning August 1, 1989.

August 28, 1989

SECTION 7. Indemnification.

Contractor shall indemnify and hold harmless the Board, the Agency, the City of Indianapolis, the County of Marion, and the Mayor of the City of Indianapolis and their officers, agents, officials, and employees from and against any and all claims, threats of claims, actions, loss, liability, judgments, liens, or costs arising out of any negligent acts or omissions by Contractor or its officers, agents, or employees in any manner connected with the performance of this Agreement. Such indemnity shall include attorneys' fees and shall not be limited by reason of any insurance coverage referenced herein.

SECTION 8. Insurance.

8.1 Contractor shall obtain and maintain at its sole expense a comprehensive general and professional liability insurance policy in an amount acceptable to the Board.

8.2 Contractor shall acquire and maintain workmen's compensation, disability, and employer's liability insurance as required by Indiana statute.

8.3 Contractor shall furnish a certificate evidencing such coverage with an insurance company that meets with the approval of Marion County and such certificate shall be delivered on or before the effective date of this Agreement.

SECTION 9. Non-discrimination.

Contractor and its subcontractors, if any, shall not discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of his or her race, religion, color, sex, handicap, national origin, ancestry, disabled veteran status, or Vietnam era veteran status. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 10. Termination.

10.1 The Board may terminate this Agreement upon thirty (30) days written notice to the Contractor except as provided below.

10.2 In the event of a material breach of this Agreement by Contractor, the Board may terminate this Agreement upon forty-eight (48) hours written notice to the Contractor. The Board shall be the sole arbiter in determining whether there has been such a material breach. The potential instances of material breach which are specifically mentioned in this Agreement are not exclusive and do not limit the Board's determination.

10.3 If funds for the continued fulfillment of this Agreement are at any time not forthcoming or are insufficient, through failure of any entity to appropriate funds or otherwise, the Board shall have the right to terminate this Agreement without penalty by giving written notice documenting the lack of funding.

SECTION 11. Binding on Successor and Assigns.

The covenants, agreements, and provisions of this Agreement shall be binding upon and shall inure to the benefit of the Contractor, its successors, and assigns.

SECTION 12. Non-Assignability.

Contractor shall not assign, delegate, or otherwise transfer its rights or obligations under this Agreement except with the prior written consent of the Board. Any prohibited assignment or delegation will be void.

SECTION 13. Independent Contractor.

The parties agree that Contractor is an independent contractor, as that term is commonly used, and is not an employee of the Board or Marion County. As such, Contractor is solely responsible for all taxes and none shall be withheld from the sums paid to Contractor. Contractor acknowledges that it is not insured in any manner through the Board or Marion County for any loss of any character whatsoever.

SECTION 14. Documentation Required by Board.

Contractor certifies that it will furnish the Board any and all documentation, certification, authorization, license, permit, or registration currently required by the laws or rules and regulations of the City of Indianapolis, the County of Marion, the State of Indiana, and the United States, and other units of local, state, and federal government. Contractor further certifies that it is now in and will maintain good standing with such governmental agencies and that it will keep its license, permit, registration, authorization, or certification in force during the term of this Agreement. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

Journal of City-County Council

SECTION 15. Amendment.

This Agreement may be changed, altered, amended, or modified only by a written instrument signed by Contractor and the Board.

SECTION 16. Extent of Agreement.

The headings of the several sections herein are for convenience only and do not define, limit, or construe the contents of such sections. This Agreement represents the ENTIRE understanding between the parties hereto.

IN WITNESS WHEREOF, Contractor and the Board, by their duly authorized representatives, have executed this Agreement as of the day and year first above written.

"BOARD"  
By: \_\_\_\_\_  
Dr. James Wright  
Chairman

"CONTRACTOR"  
By: \_\_\_\_\_

MARION COUNTY

APPROVED AS TO FORM AND CONTENT:

By: \_\_\_\_\_  
William H. Hudnut, III  
Mayor

By: \_\_\_\_\_  
Kristie L. Hill  
Corporation Counsel

PROPOSAL NO. 402, 1989. In Councillor Coughenour's absence, Councillor Rhodes had chaired the Public Works Committee meeting; therefore, he reported that the Public Works Committee heard Proposal No. 402, 1989, on August 11, 1989. The proposal amends Chapter 13, Article III, of the Code, dealing with the Solid Waste Disposal User Fee. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Cottingham, for adoption. Proposal No. 402, 1989, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Gilmer, Hawkins, Holmes, Howard, Jones, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, West, Williams*

5 NAYS: *Dumil, Golc, Irvin, Shaw, Strader*

4 NOT VOTING: *Dowden, Giffin, McGrath, Moriarty*

Proposal No. 402, 1989, was retitled GENERAL ORDINANCE NO. 65, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 1989

A GENERAL ORDINANCE amending "Code of Indianapolis and Marion County, Indiana", dealing with the imposition of the Solid Waste Disposal User Fee.

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

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

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

Effective ~~January 1, 1990~~, October 1, 1989, there is hereby imposed a solid waste disposal user fee payable to the department of public works upon the owners of each residential and individual apartment unit within solid waste disposal special taxing district. For the purpose of this section, an owner of real property which is of a mixed residential and commercial nature shall be subject to the user fee if such property generates solid waste characteristic of residential solid waste and receives collection services provided by the City. Federal, state, and local governmental agencies, not-for-profit corporations and associations shall be subject to the user fee if such organization meets the criteria set forth in this subsection.

August 28, 1989

Sec. 13-302. Basis for Fee.

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

Sec. 13-303. User Fee Schedule.

~~The following schedule shall be in effect from 01/01/90 through 12/31/92. The solid waste disposal fee shall be billed semiannually. The first installment shall be billed by the department of public works in January, 1990. After the initial installments, the solid waste disposal fee shall appear on the semiannual property tax statement as provided for by I.C. 36-9-31-8(c). In addition to the solid waste disposal fee, an initial one-time charge of \$3.00 shall be assessed against all owners to defray administrative costs. This administrative charge shall be payable with the first installment.~~

~~1. Household - \$16.00/6 months (\$32.00/year)~~

~~2. Residential/Apartments - \$16.00/6 months (\$32.00/year)~~

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

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

(2) The initial installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. ~~Failure of any owner to receive such bill shall not relieve the obligation of payment for such bill.~~ The initial installment shall become delinquent if not paid in full within ~~thirty (30)~~ seventeen (17) days of the billing date.

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

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

(c) The second and subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by I.C. 36-9-31-8(c). On or before February 28 of the year the user fees are due, the department shall certify such current user fees to the auditor. The treasurer shall collect such current user fees in the same manner as property taxes are collected. ~~On May 10 and November 10 of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any user fees remaining unpaid, including the one-time administrative charge, shall be added. These penalties shall be imposed only on the principal amount of delinquent fees.~~

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

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

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

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

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

## Journal of City-County Council

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

- (5) Each installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. ~~Failure of any owner to receive such bill shall not relieve the obligation of payment for such bill.~~ Each installment shall become delinquent if not paid in full within ~~thirty (30)~~ seventeen (17) days of the billing date.
- (6) Each delinquent installment is subject to a ten percent (10%) penalty on the amount of delinquent user fees. Each installment which becomes delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with I.C. 36-3-7.5.
- (7) On or before February 28 each year, the department shall certify the current user fees and the delinquent user fees, if any, attributable to the owner of newly constructed or erroneously omitted units, to the auditor. The treasurer shall collect such current and delinquent user fees in the same manner as property taxes are collected. All subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by I.C. 36-9-31-8(c).

### Sec. 13-304. Special Agreements.

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

### ~~Sec. 13-305. Appeals to the Board of Public Works.~~

Any person subject to this article may appeal the fee against him to the board where that person has good cause to believe that the fee is in error and where the board has received written notice from the appealing person within sixty (60) days or receipt of the fees in question.

The board is directed to notify the person making appeal of the time and place when his/her appeal will be heard. Upon evidence sufficient to the board submitted at the hearing establishing that the fees are in error, the board shall make adjustments in the fees. Adjustments may be in the form of a refund or credit against subsequent assessments of the fees provided for this article.

### Sec. 13-305. Adjustments to User Fees.

- (a) Any person subject to this article may petition the director of the department of public works for an adjustment of the user fee assessed against him, provided:
  - (1) that the petitioner has paid the disputed user fees in full; and
  - (2) that the petitioner has good cause to believe such user fees were erroneously assessed against him; and
  - (3) that the director has received written notice of appeal within six (6) months of the petitioner's receipt of the bill for the disputed user fees; and
  - (4) that the director has received within six (6) months of the petitioner's receipt of the bill a brief statement of fact demonstrating the petitioner's right to an adjustment of the user fees.
- (b)
  - (1) The director shall appoint an account review officer (ARO) to review such petitions and to recommend action to be taken on such petitions. The ARO shall consider the petitioner's statement of fact, as well as any other relevant and material evidence available, in determining whether the petitioner is entitled to an adjustment.
  - (2) The ARO shall notify the petitioner of the recommendation for action to be taken on the petition. The petitioner may request a hearing to contest the recommendation, provided the petitioner makes a written request for a hearing to the ARO within fifteen (15) days of the petitioner's receipt of the notification of recommendation.



August 28, 1989

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

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

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

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

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

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

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

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

PROPOSAL NO. 403, 1989. In Councillor Coughenour's absence, Councillor Rhodes had chaired the Public Works Committee meeting; therefore, he reported that the Public Works Committee heard Proposal No. 403, 1989, on August 11, 1989. The proposal amends Section 27-102 of the Code, dealing with the establishment of rates and charges for the use of the sewer system. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 403, 1989, was adopted on the following roll call vote; viz:

*23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader, West, Williams*

*1 NAY: Shaw*

*5 NOT VOTING: Dowden, Giffin, McGrath, Moriarty, Schneider*

Proposal No. 403, 1989, was retitled GENERAL ORDINANCE NO. 66, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 1989

A GENERAL ORDINANCE amending the Section of the Code dealing with the establishment of rates and charges for the use of the sewer system.

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

SECTION 1. Section 27-102 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Section 27-102. Basis for charge; how calculated.

(a) Established. The sewer user charge imposed by this article shall be based upon the following general formulas:

Journal of City-County Council

$$V_T = V_{u1} + V_{u2} \dots + V_{un}$$

$$V_c = \frac{C_T - C_I - C_{I'} - C_u - C_E - I}{V_T} + \frac{0.25(C_I + C_{I'} + C_u)}{V_T}$$

$$C_c = \frac{0.75(C_I + C_{I'} + C_u)}{T_c} \div 12$$

Nonindustrial user:

$$R = V_u(V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where

- $C_c$  = Availability of service charge per month.
- $C_T$  = Total operation and maintenance cost per a unit of time.
- $C_I$  = Operation and maintenance cost to transport and treat infiltration per a unit of time.
- $C_{I'}$  = Operation and maintenance cost to transport and treat inflow per a unit of time.
- $C_u$  = Operation and maintenance cost to transport and treat unmetered water per a unit of time.
- $C_E$  = Operation and maintenance cost to treat wastes in excess of base level strength.
- $V_c$  = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.
- $B_c$  = Operation and maintenance cost to treat a unit of BOD.
- $S_c$  = Operation and maintenance cost to treat a unit of SS.
- $N_c$  = Operation and maintenance cost to treat a unit of ammonia nitrogen.
- $P_c$  = Operation and maintenance cost to treat any other pollutant.
- $B$  = Amount of BOD from a user above a base level.
- $S$  = Amount of SS from a user above a base level.
- $N$  = Amount of ammonia nitrogen from a user above a base level.
- $P$  = Amount of any other pollutant from a user above a base level.
- $V_u$  = Volume contribution per user per a unit of time.
- $V_T$  = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).
- $I$  = Industrial surveillance cost per a unit of time.
- $I_u$  = Industrial surveillance cost per a unit of industrial volume per a unit of time.
- $R$  = User's charge for operation and maintenance per a unit of time.
- $V_R$  = Total waste water contributed by residential customers per a year.
- $T$  = Total number of connections to the system.

August 28, 1989

(b) Application. Until amended the following rates or factors shall apply; effective January 1, 1985, and shall be in effect for the calendar years 1985, 1986, 1987, 1988, ~~and 1989~~ and 1990:

Vc = \$1.1339 per 1,000 gallons

Iu = \$0.0539 per 1,000 gallons

Bc = \$0.0859 per pound

Sc = \$0.0970 per pound

Cc = \$2.03 per month

N = \$0.4474 per pound

(c) Minimum charge and base level. The minimum charge on any monthly billing for an industrial user shall be \$5.59 and non-industrial user shall be \$5.43. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter, and NH<sub>3</sub>-N base level shall be 20 milligrams per liter. The industrial and non-industrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided.

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

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NOS. 409, 410, and 411, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 409, 1989, on August 23, 1989, and Proposal Nos. 410 and 411, 1989, on August 28, 1989. Proposal No. 409, 1989, amends the Code by authorizing intersection control changes at Forward Pass Rd, Friendship Dr, and Hill Gail Dr, and also Chateaugay Dr and Gallant Fox Dr. By a 5-0 vote, the Committee reported Proposal No. 409, 1989, to the Council with the recommendation that it do pass. Proposal No. 410, 1989, amends the Code by authorizing a three-way stop at Beckford Drive and Richie Avenue. By a 4-0 vote, the Committee reported Proposal No. 410, 1989, to the Council with the recommendation that it do pass. Proposal No. 411, 1989, amends the Code by authorizing a four-way stop at Tanager Lane and Teel Way. By a 6-0 vote, the Committee reported Proposal No. 411, 1989, to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal Nos. 409, 410, and 411, 1989, were adopted on the following roll call vote; viz:

*24 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Howard, Irvin, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

*0 NAYS*

*5 NOT VOTING: Coughenour, Holmes, Jones, McGrath, Moriarty*

Proposal No. 409, 1989, was retitled GENERAL ORDINANCE NO. 67, 1989, and reads as follows:

*Journal of City-County Council*

CITY-COUNTY GENERAL ORDINANCE NO. 67, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection traffic 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 traffic 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>
45, Pg. 2	Forward Pass Rd, Friendship Dr EB, & Hill Gail Dr	Friendship Dr EB, & Hill Gail Dr	Stop
45, Pg. 2	Chateaugay Dr & Gallant Fox Dr	Gallant Fox Dr	Stop
45, Pg. 3	Friendship Dr & Gallant Fox Dr	Gallant Fox Dr	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection traffic 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>
45, Pg. 2	Forward Pass Rd, Friendship Dr, & Hill Gail Dr	None	Stop
45, Pg. 2	Chateaugay Dr & Gallant Fox Dr	None	Stop
45, Pg. 3	Friendship Dr & Gallant Fox Dr	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. 410, 1989, was retitled GENERAL ORDINANCE NO. 68, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 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>
22, Pg. 1	Beckford Dr & Richie Av	Beckford Dr	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
-----------------	---------------------	---------------------	------------------------

August 28, 1989

22, Pg. 1	Beckford Dr & Richie Av	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. 411, 1989, was retitled GENERAL ORDINANCE NO. 69, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92. Schedule of intersection traffic 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 traffic 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>
6, Pg. 6	Tanager Le & Teel Wy	Teel Wy	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection traffic 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>
6, Pg. 6	Tanager Le & Teel Wy	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. 419, 1989. Councillor West reported that the Rules and Policy Committee heard Proposal No. 419, 1989, on August 8, 1989. The proposal electing to fund MECA in 1990 with County Option Income Tax Revenues. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst indicated that he would like a report on this proposal because MECA was not originally intended to be funded by COIT money.

Councillor West moved, seconded by Councillor Dowden, for adoption. Proposal No. 419, 1989, was adopted on the following roll call vote; viz:

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

Proposal No. 419, 1989, was retitled SPECIAL ORDINANCE NO. 16, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 16, 1989

A SPECIAL ORDINANCE electing to fund MECA in 1990 with County Option Income Tax Revenues.

*Journal of City-County Council*

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

WHEREAS, the Marion County Metropolitan Emergency Communications Agency as such a district; and

WHEREAS, to make such an election for 1990, the City-County Council, prior to September 1, 1989, must pass an ordinance specifying the amount of the certified distribution to be used to fund the district; now, therefore:

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

SECTION 1. The City-County Council hereby elects to fund the operation of the Marion County Metropolitan Emergency Communications Agency in 1990 from part of the certified distribution the county is to receive under I.C. 6-3.5-6-17.

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

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

**NEW BUSINESS**

**ANNOUNCEMENTS AND ADJOURNMENT**

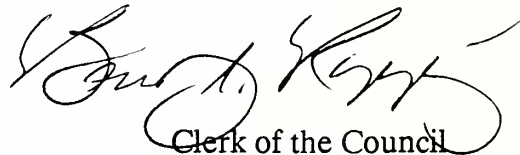
There being no further business, upon motion duly made and seconded, the meeting adjourned at 9:28 p.m.

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 28th day of August, 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)