

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 25, 1991**

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 7:10 p.m. on Monday, February 25, 1991, with Councillor SerVaas presiding.

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

ROLL CALL

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

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

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

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council

Journal of the City-County Council

Chambers, on Monday, February 25, 1991, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

February 4, 1991

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, February 7, 1991 a copy of LEGAL NOTICE on Proposal No. 582, 1990.

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

February 11, 1991

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, February 14, 1991, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 81, 82, 83, 84, 85, 87 and 88, 1991 to be held on Monday, February 25, 1991, at 7:00 p.m. in the City-County Building.

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

February 19, 1991

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 Friday, February 22, 1991, a copy of LEGAL NOTICE on General Ordinance No. 27, 1991.

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

February 8, 1991

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

Ladies and Gentlemen:

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

February 25, 1991

FISCAL ORDINANCE NO. 6, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Hundred Thirty-five Thousand Four Hundred Fifty-six Dollars (\$235,456) in the State & Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State & Federal Grants Fund.

FISCAL ORDINANCE NO. 7, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Million Seven Hundred Fifty-five Thousand Three Hundred Sixty-seven Dollars (\$1,755,367) in the Sanitation General Fund for purposes of the Department of Public Works Advanced Wastewater Treatment and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 8, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Million Two Hundred Thousand Dollars (\$1,200,000) in the Sanitation General Fund for purposes of the Department of Public Works Advanced Wastewater Treatment and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

GENERAL ORDINANCE NO. 26, 1991, amending the Code of Indianapolis and Marion County, Indiana, by enlarging the Fire Special Service Districts to include additional territory.

GENERAL ORDINANCE NO. 27, 1991, amending Chapter 27 of the Code dealing with sewers and sewage disposal.

GENERAL ORDINANCE NO. 28, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 29, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 30, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 31, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 32, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-244, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 33, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-244, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 34, 1991, amending the Sign Regulations by permitting the installation of "NCAA Final Four Basketball Tournament" banners, pennants and/or window signs within the Central Business Districts, Industrial, Commercial, University Quarter-One, and Regional Center-Market Square Development District Zoning Districts of Marion County beginning March 23 through April 4, 1991.

SPECIAL RESOLUTION NO. 16, 1991, concerning Stephen Goldsmith.

SPECIAL RESOLUTION NO. 17, 1991, congratulating the Ben Davis Lady Giants.

SPECIAL RESOLUTION NO. 18, 1991, congratulating Arsenal Technical High School boys basketball team.

SPECIAL RESOLUTION NO. 19, 1991, recognizing Douglas L. Walker.

SPECIAL RESOLUTION NO. 20, 1991, recognizing teacher Rick Crosslin.

SPECIAL RESOLUTION NO. 21, 1991, concerning the American Legion's Flag Amendment petition.

SPECIAL RESOLUTION NO. 22, 1991, concerning the state's newest attacks upon local budgets.

COUNCIL RESOLUTION NO. 8, 1991, approving the Mayor's appointment of M. D. Higbee as Director of the Department of Metropolitan Development for a term ending December 31, 1991.

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

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Councillor Rhodes asked for consent to hear Proposal No. 58, 1991 immediately following the Introduction of Proposals. Consent was given.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journals of January 22 and February 4, 1991. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 124, 1991. This proposal, sponsored by Councillors West, SerVaas and Brooks, memorializes Mayor Alex Clark. Councillor West read the resolution and presented a framed document to Mrs. Alex Clark, who expressed her appreciation for the recognition. Councillors Brooks and SerVaas paid tribute to Mr. Clark. Councillor West moved, seconded by Councillors SerVaas and Brooks, for adoption. Proposal No. 124, 1991 was adopted by unanimous voice vote.

Proposal No. 124, 1991 was retitled SPECIAL RESOLUTION NO. 23, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 1991

A SPECIAL RESOLUTION memorializing former Mayor Alex M. Clark.

WHEREAS, Alex M. Clark, who passed away February 14, 1991, was the youngest man to ever serve as Mayor of Indianapolis; and

WHEREAS, Mr. Clark was a graduate of Shortridge High School, attended DePauw University, and graduated from Indiana University School of Law; and

WHEREAS, while serving his country during World War II, he earned three Bronze Stars, the Silver Star and the Purple Heart Medals, was municipal court judge after the war, and in 1951, at the age of 34, was elected Mayor of Indianapolis; and

WHEREAS, as mayor, he won Indiana General Assembly approval to build the City-County Building, initiated major improvements in the city's parks, increased the number of trash pickups, organized the municipal garage and implemented many other improvements in municipal services for the citizens of Indianapolis; and

WHEREAS, Mayor Clark will long be remembered for being a fair judge, a progressive mayor, a man of his word and as a friend to those who knew him; 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 pauses to remember Mayor Alex M. Clark who contributed many years of service to his country and to his city, and was a fine gentleman to his family and friends.

SECTION 2. The Council extends its heartfelt condolences to Mayor Clark's widow, Margaret Welsh Clark, and to their children and grandchildren.

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. 125, 1991. This proposal amends the rules for redistricting hearings. The President asked Robert G. Elrod, General Counsel, to report on this proposal. Mr. Elrod stated that U.S. District Judge Sarah Evans Barker, the presiding judge in the court case concerning the redistricting of Marion County, has amended the Consent Decree to provide that a redistricting plan should be adopted by the Council prior to submitting it to her. Proposal No. 125, 1991 incorporates two changes to the rules for the redistricting hearings: (1) the General Counsel will prepare a proposed amendment substituting boundaries of each plan submitted for consideration by the Council at the March 25, 1991 Council meeting, and (2) the Council will take final action to adopt a plan at that meeting.

Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal No. 125, 1991 was adopted by unanimous voice vote.

Proposal No. 125, 1991 was retitled COUNCIL RESOLUTION NO. 10, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 1991

A COUNCIL RESOLUTION amending the rules for redistricting hearings.

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

SECTION 1. The following special rules for consideration of council redistricting plans are hereby adopted:

COUNCIL REDISTRICTING RULES

RULE 1. AT LARGE SEATS.

- (a) The Committee on Rules and Public Policy shall hold at least one hearing at which it will receive and consider proposals to abolish or change the method of voting for at-large seats on the Council.
- (b) Anyone may file a proposal for abolishing or changing the method of voting for at-large seats on the Council.
- (c) Any such proposal shall be in writing and supported by legal authority for the Council to make such changes. Such proposals must be filed at least 24 hours prior to the hearing.
- (d) All proposals received by the Committee shall be reported to the Council with recommendation either to adopt or reject each proposal. The Committee reports shall be scheduled for final action at the next Council meeting.

RULE 2. REDISTRICTING PLANS.

- (a) The Committee on Rules and Public Policy shall hold at least two hearings on plans submitted for defining Council district boundaries.
- (b) The first of such hearings shall not be held before final action by the Council on proposed changes to the at-large seats nor sooner than ten days after the Council has received the official 1990 census population data and made the same available both to the public and to the plaintiffs in the redistricting lawsuit.
- (c) A final hearing shall be held at least fourteen days after the last hearing at which district plans are received.
- (d) Anyone may submit plans for new Council district boundaries. However, all plans must include a map of the boundaries and a list of all precincts included in each district. No plan will be considered for less than the entire county.
- (e) All plans shall be filed with the Clerk of the Council no later than noon on the day before a hearing. No new plans shall be received at the final hearing.

(f) At the final hearing scheduled by the Committee it shall recommend consideration of one or more plans to the full Council.

(g) Any plan receiving two votes shall be returned for consideration by the full Council. ~~The Committee of the Whole shall review all plans reported to the full Council for consideration. Whenever fifteen members of the Council vote to recommend a plan to the Federal Court that plan shall be reported for action by the full Council subject to acceptance by the Court.~~

(h) ~~After submission to the Court the Council shall act to adopt or modify the plan as may be directed by the Federal Court.~~ With respect to each plan returned to the full Council for consideration, the General Counsel shall prepare a proposed amendment to insert or substitute the boundaries of each such plan in the proposal for a general ordinance establishing Council districts for action by the Council at the next Council meeting.

RULE 3. COMPUTER SYSTEM.

(a) The computer redistricting system shall be located in Room 224 in the City-County Building.

(b) The General Counsel shall be responsible to produce, with the assistance of the vendor, maps of the current districts to the nearest precinct lines and population data based on preliminary census figures.

(c) The General Counsel shall be responsible for scheduling access to the computer system. No person shall be permitted to use the system unless a qualified operator is present.

(d) The Council staff will assist Councillors in verifying maps of their own design, provided the Councillor is present at all times.

(e) At least seven days prior to the first hearing on redistricting plans, the General Counsel shall schedule a public information seminar at which the computer system and its capabilities will be explained and instructions given on how to prepare plans for submission and verification.

(f) Private persons wishing to use the computer system to design or verify plans may arrange through the General Counsel for access to the system.

(1) The General Counsel shall schedule Tuesday, Wednesday and Thursday mornings from 8:30 a.m. to noon for public access to the computer system, beginning the week following the release of the official census data and ending the week prior to the final committee hearing on redistricting plans. Scheduling shall be on a first come first serve basis. No individual shall reserve more than one hour in a block if there is any other request for such usage.

(2) Any person desiring access to the system for longer than the public times shall pay in advance the sum of \$25 per hour for the trained operator. A minimum of 2 hours usage shall be prepaid when scheduling the usage.

(3) All scheduling of public use shall be subject to availability of a qualified systems operator and priority of official Council usage.

(g) The General Counsel shall be responsible to have all districting plans submitted to the Committee subjected to computer verification and statistical analysis prior to the final Committee hearing on the plans.

RULE 4. NOTICES.

All meetings at which redistricting shall be discussed shall be scheduled at least seven days in advance, with notices given to the public as required by the Indiana Open Door Law, with actual notice to plaintiffs' attorneys at least 72 hours before the meeting, and by mailing to others requesting notice at least five days prior to such meeting.

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

PROPOSAL NO. 96, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 96, 1991 on February 14, 1991. The proposal approves the Mayor's appointment of William G. Shassere as Director of the Department of Public Works for a term ending December 31, 1991. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved,

seconded by Councillor Gilmer, for adoption. Proposal No. 96, 1991 was adopted by unanimous voice vote.

Proposal No. 96, 1991 was retitled COUNCIL RESOLUTION NO. 11, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 1991

A COUNCIL RESOLUTION approving the Mayor's appointment of William G. Shassere as Director of the Department of Public Works for a term ending December 31, 1991.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana", a mayoral appointment of a Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of William G. Shassere to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 1991; now, therefore:

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

SECTION 1. William G. Shassere is approved and confirmed by the City-County Council to serve as Director of the Department of Public Works at the pleasure of the Mayor for a term ending December 31, 1991.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 98, 1991. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing the City and County to finance the acquisition of capital equipment and other personal property by means of a lease-purchase program and delegating the responsibility for this program to the City-County Administrative Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 99, 1991. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the purchase of 5 acres located in the 1300 block or the 1700 block of West 30th Street for a Central Equipment Management Division parking lot and staging area"; and the President referred it to the Administration Committee.

PROPOSAL NO. 100, 199. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of office space for the Superior Court, Criminal Division, Probation Department"; and the President referred it to the Administration Committee.

PROPOSAL NO. 101, 199. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$13,608 for the County Assessor to pay the salary of a more qualified real estate appraiser"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 102, 199. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$19,770 for the County Recorder to (1) pay for storage space costs and (2) purchase replacement equipment for the County Recorder's office"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 103, 199. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant funds"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 104, 199. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving the establishing of the Airport Economic Development Area"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 105, 199. Introduced by Councillor Holmes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the leasing of certain real estate owned by the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 106, 199. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$150,000 of COIT funds by the Auditor in order for the Superior Court, Juvenile Division, to complete the computer process for the Juvenile Court Computer Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 107, 199. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$61,200 for the Superior Court, Juvenile Division, to match State funds for the Guardian Ad Litem Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 108, 199. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$2,200 within a Lilly Endowment Grant for the Superior Court, Juvenile Division, to purchase supplies for a strategic planning community symposium"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 109, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$427,620 for the Presiding Judge of the Municipal Court to pay the following expenses for the Public Defender's Office and the Domestic Violence Court: additional staff, supplies, Pauper Appeals and miscellaneous items"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 110, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$44,100 for the Superior Court, Criminal Division, Probation Department, to lease additional office space"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 111, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by updating the county corrections fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 112, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$3,797,205 for the Department of Public Works, Flood Control Division, to pay the expenses for flood control and drainage improvement projects"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 113, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,472,684 for the Department of Public Works, Administration Division, to provide assistance to areas that are unable to afford sanitary sewer costs"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 114, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the sale of certain surplus real estate by the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 115, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Boy Scout Road and 56th Street (District No. 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 116, 1991. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Bluff Road and Edgewood Avenue (District No. 20)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 117, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Banta Road and Bluff Road (District No. 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 118, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in Oxford Terrace, Section 1, and at Pershing Road and Spring Lane (District Nos. 2 and 10)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 119, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of County Line Road and Shelby Street (District No. 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 120, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on segments of College Avenue (District No. 6)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 121, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by

authorizing a 40 MPH speed limit on 86th Street from I-465 to College Avenue (District Nos. 1, 2, 4, 6)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 122, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on the following streets: Hiner Lane/Shadeland Avenue to Shortridge Road; 13th Street/Shadeland Avenue to Shortridge Road; Shortridge Road/10th to 14th Streets (District No. 15)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 123, 1991. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by repealing a weight limit restriction on Illinois Street, from Wisconsin Street to Morris Street (District No. 20)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 126, 1991. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code to define new councilmanic district boundaries and amending the Code to repeal the existing councilmanic districts"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 127, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Raymond S. Battey to the City-County Administrative Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 128, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Ruby Miller to the City-County Administrative Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 129, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Bruce Melchert to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Administration Committee.

PROPOSAL NO. 130, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Ray Irvin to the Audit Committee"; and the President referred it to the Administration Committee.

PROPOSAL NO. 131, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Richard A. Payne to the Audit Committee"; and the President referred it to the Administration Committee.

PROPOSAL NO. 132, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Robert Whipple to the Indianapolis Economic Development Commission"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 133, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Mary Burk to the Beech Grove Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 134, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Lee Burton to the Park Board"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 135, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Jesse Moore to the Park Board"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 136, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing William B. Powers to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 137, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing William Gardiner to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 138, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Elliott Nelson to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 139, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Mary Alice Buckler and John von Arx to the Information Services Agency Board"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 140, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Dan C. Whitmore to the Information Services Agency Board"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 141, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Jack Bailey to the Transportation Board"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 142, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Joan Durham to the Transportation Board"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 58, 1991. Councillor Rhodes reported that the Administration Committee heard Proposal No. 58, 1991 on January 28, 1991. On February 4, 1991 the Council postponed action on the proposal until February 25, 1991. The proposal, sponsored by

Councillors Coughenour, Curry and Williams, amends the Code by adding a new Article V in Chapter 17, Licensing vendors of tobacco products. Councillor Rhodes stated that there is already a state law against selling cigarettes to minors, but that this proposal provides the means of enforcing the law by revoking a vendor's license. By a 5-0 vote on January 28, 1991, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. He stated that in the Councillors' packets for this meeting was a copy of the latest version, Second Legal Staff Revision, which further amends Proposal No. 58, 1991.

Councillor Rhodes moved, seconded by Councillor Curry, to strike Proposal No. 58, 1991 as amended in Committee and substitute therefore the draft entitled Proposal No. 58, 1991, Second Legal Staff Revision. The motion passed by unanimous voice vote.

Councillor Coughenour urged the Councillors to support this proposal because it has been proven that the younger people are when they start to smoke, the harder it is for them to break the addiction.

Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption of Proposal No. 58, 1991, as amended.

Councillor Brooks moved that Proposal No. 58, 1991, Second Legal Staff Revision, Section 1, be amended by renumbering Sec. 17-152 through 17-156 as Secs. 17-153 through 17-157 and inserting a new Sec. 17-152 to read as follows:

Sec. 17-152. Exempted.

- (a) The requirements of this Article shall not apply to a manufacturer of tobacco products.
- (b) The Indiana State Fair Grounds property is not a public park for the purposes of this Article.

Councillor Coughenour stated that she talked to the other sponsors of this proposal, and they all considered this a friendly amendment and have no objections to Councillor Brooks' amendment.

Councillor Williams seconded Councillor Brooks' motion to amend. This motion was passed by unanimous voice vote.

Councillor Schneider stated that his concern with this proposal is that the merchant is being asked to do the job of policing. Councillor Howard's concern was how the vendors on the street who give away cigarettes are going to be monitored. Councillor Irvin stated that along with licensing vendors of tobacco products, he would like an effort made by local government to focus on anti-smoking education in schools. Councillor Clark voiced his support for the proposal.

Councillor Brooks asked if the revenue generated through this plan will pay for the number of additional employees that will be needed to enforce this ordinance. Councillor Rhodes responded that the license fees received will probably just pay for the administrative costs. Any additional enforcement, besides the officers presently employed by the Controller's Office, will be paid through grants from private firms and foundations.

Councillor Brooks said that if this proposal passes he is concerned that (1) the Controller's Office will have the authority to suspend, without due process or hearing, someone's license

for selling tobacco products, and (2) that this will add another layer of bureaucracy. He would rather hire a police officer with the grant money whose sole job would be to enforce the present state law of selling cigarettes to minors.

Councillor Borst stated that he would like to know who is going to measure the effectiveness of this new law and how is it going to be monitored.

Proposal No. 58, 1991, as amended, was adopted by the following roll call vote; viz:

18 YEAS: Borst, Boyd, Clark, Coughenour, Curry, Dowden, Giffin, Golc, Holmes, Howard, Irvin, Jones, McGrath, Mukes-Gaither, Rhodes, SerVaas, West, Williams
11 NAYS: Brooks, Cottingham, Gilmer, Hawkins, Moriarty, O'Dell, Ruhmkorff, Schneider, Shaw, Solenberg, Strader

Proposal No. 58, 1991, as amended, was retitled GENERAL ORDINANCE NO. 35, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 1991

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by adding a new Article V in Chapter 17, Licensing vendors of tobacco products

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 be, and is hereby, amended by adding thereto a new Article V in Chapter 17 to read as follows:

ARTICLE V
CIGARETTE AND TOBACCO VENDORS

Sec. 17-150. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

"tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

Sec. 17-151. License required.

(a) It shall be unlawful to sell or offer for sale at retail tobacco products within the county without first having a cigarette and tobacco vendor's license therefor pursuant to this Article for each location where such products may be delivered.

(b) It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of such person, in the course of such person's business, to distribute, give away or deliver tobacco products free of charge to any person without first having a cigarette and tobacco vendor's license therefor pursuant to this Article for each location where such products may be distributed, given away or delivered.

(c) It shall be unlawful for the owner or lessee in possession of premises where coin operated vending machines for tobacco products are located to allow the operation of such machines without first having a cigarette and tobacco vendor's license therefor pursuant to this Article.

(d) A license under this section shall not be required with respect to any location (including the location of coin operated vending machines) if that location is either:

- (1) located on premises licensed (as defined in I.C.C 7.1-1-3-20) for the sale of alcoholic beverages where entry is limited to persons over the age of eighteen years; or,

- (2) located in private industrial or office locations that are customarily accessible only to persons who are at least eighteen years of age; or,
- (3) located on the premises of a private club which limits its membership to persons over the age of eighteen years.

(e) Such license shall be in addition to any other license required by this code.

Sec. 17-152. Exempted.

- (a) The requirements of this Article shall not apply to a manufacturer of tobacco products.
- (b) The Indiana State Fair Grounds property is not a public park for the purposes of this Article.

Sec. 17-153. License application.

- (a) Application for a license hereunder shall be made in writing to the Controller and shall be processed in accordance with the general provisions of this Chapter.
- (b) The annual fee for a license is Fifty Dollars (\$50.00) for the first location and Five Dollars (\$5.00) for each additional location owned by the same licensee.
- (c) A license for the sale of tobacco products shall be issued for each specific premises, whether fixed or mobile, and shall be valid until July 31 following the date of issuance; provided, a license issued after May 1 shall be valid until July 31 of the next calendar year.
- (d) A licensee shall display the license (or a copy) prominently at or on the premises for which the license is issued.

Sec. 17-154. Proximity to certain institutions.

A license shall not be issued for any premises within one hundred feet (100') of any elementary or secondary school unless on the date of adoption of this Article tobacco products were lawfully being sold at such location.

Sec. 17-155. Certain free distributions prohibited.

It shall be unlawful for any licensee to distribute, give away or deliver tobacco products free of charge to any person in a public park, public playground, within one hundred feet (100') of any elementary or secondary school or within one hundred feet (100') of any public library.

Sec. 17-156. Enforcement.

In addition to all other authorized enforcement officials, all inspectors of the Division of Public Health of the Health and Hospital Corporation of Marion County may issue a complaint and summons in the form prescribed by Sec. 103-305 of the Revised Code for violations of this Article.

Sec. 17-157. Penalties.

Violation of this Article shall be subject to the penalties provided in Sec. 1 - 8 of this Code. The minimum penalty for a first offense, unless compromised pursuant to Sec. 103 - 301 of the Revised Code of the Consolidated City and County, shall be Five Hundred Dollars (\$500.00) and for the second offense shall be One Thousand Dollars (\$1,000.00).

SECTION 2. Section 17-6 of Article 1 of Chapter 17 of the Code of Indianapolis and Marion County be, and is hereby amended by deleting and inserting the language underlined to read as follows:

Sec. 17-6. General duties of licensees.

- (a) Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.
- (b) Every licensee shall:
 - (1) Permit inspections of his business and premises by public authorities acting pursuant to law;

- (2) Conduct his business and premises in such a manner as not to create a nuisance or any sort of hazard to the public;
- (3) Keep the premises clean and free from any sort of rubbish or combustible or explosive material;
- (4) Not permit any sort of illegal conduct or practices to take place on his premises or in the conduct of his business.

SECTION 3. Sec. 17-49 of Article II of Chapter 17 of the Code of Indianapolis and Marion County be, and is hereby amended by deleting and inserting the language underlined to read as follows:

Sec. 17-49. Enforcement of orders affecting licensees; revocation and suspension of licensees.

(a) Upon learning of a violation of law by a licensee, the controller shall issue a provisional order to the licensee setting forth such violation. The provisional order shall be delivered to the licensee pursuant to the notice provisions of this Code and shall inform the licensee of all of his rights under this Code.

(b) If any licensee, by the conduct of his business or premises, creates a situation or nuisance inimical to the public welfare, or is charged in any court with an offense involving his fitness to hold a license and an emergency exists, the license of the licensee may be temporarily suspended by the controller without a hearing. The order temporarily suspending the license shall be delivered to the licensee pursuant to the notice provisions of this Code and shall inform the licensee of all of his rights under this Code.

(c) The controller shall cause personal service of all notices and orders to be made on the person concerned, either by personal delivery or by registered mail, with return receipt requested. In the absence or disability of a licensee, a copy of the notice shall be affixed to some structure on the premises where it may be readily found or observed by the licensee, or it may be delivered to any agent or employee of the licensee upon the premises or to any adult occupant thereof, and he shall be bound thereby. Depositing any such notice in the United States mail shall constitute service thereof.

(d) Each licensee who is subject to a provisional order or temporary suspension under subsection (b) of this section shall have ten (10) days in which to remedy the reasons causing the provisional order or temporary suspension to be issued. Ten (10) days after notice has been given of a temporary suspension or provisional order, another inspection shall be conducted and the results reported to the controller, who shall either reinstate the license in the case of a temporary suspension, or rescind or modify the provisional order, or revoke the license.

(e) Upon written application of the licensee during the ten-day period, or upon the controller's own motion, a hearing shall be conducted by the controller, during which evidence shall be presented under oath by both the licensee and those inspectors or others knowing the reasons why the license should be revoked. Upon the completion of the hearing, the controller shall reinstate the license, modify the provisional order or reasons for temporary suspension, or revoke the license.

(f) At any time during the ten-day period, the licensee may request in writing a reasonable extension of the time to remedy the reasons for which the provisional order or temporary suspension was issued. The controller may grant or deny the request in his discretion, or he may order a continuance or extension of time on his own motion.

(g) In all cases where the license is revoked or suspended the decision of the controller shall be reported in writing to the licensee affected and a certified copy of the decision shall be filed in the controller's office within twenty-four (24) hours from the time of the decision. The decision shall become effective upon issuance by the controller.

(h) Once a licensee has been revoked, it shall not be renewed or reissued, and a new license shall not be issued for any business to be conducted by or for the same licensee on any premises within six (6) months after the revocation if the same licensee is shown to have any financial interest therein or to have any direct or indirect control of the business.

(i) When a license has been revoked or suspended, no refund of any portion of the license fee shall be made to the licensee.

(j) If after a hearing a license is revoked or suspended and not reinstated on appeal, the licensee shall pay to the City the cost of hearings in connection with such revocation or suspension. The Controller shall determine the costs incurred by the City for such hearings, including, but not limited to: court reporter's fees, the costs of transcripts or reports, attorneys' fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Controller may allow. Said costs shall be paid to the City within thirty (30) days of notification of the costs by the Controller.

SECTION 4. The Revised Code of the Consolidated City and County, specifically Sec. 103-302, be and is hereby amended by deleting and inserting the text underlined to read as follows:

<u>Code Section</u>	<u>Subject Matter</u>	<u>Civil Penalty</u>
4-149	Open burning	25.00
<u>17-151</u>	<u>Sale of tobacco products without license - first offense</u>	<u>45.00</u>
<u>17-154</u>	<u>Prohibited distributions of tobacco products - first offense</u>	<u>45.00</u>
17½-8	Littering on premises of another	50.00
21½-14	3rd False Alarm in calendar year	20.00
21½-14	4th False Alarm in calendar year	30.00
21½-14	5th through 7th False Alarm in calendar year	40.00
28-16	Parking prohibited for street repairs and cleaning	7.50
29-8	Pedestrian violations	7.50
29-27	Parking when temporarily prohibited	7.50
29-97	Display of unauthorized traffic controls	7.50
29-98	Interference with traffic control devices	7.50
29-123	Unlawful use of horn or sounding device	15.00
29-223	Unlawfully parked trailer	7.50
29-251	Unlawful parking near fire hydrant	7.50
29-252	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
29-253	Unlawful parking in certain school areas	7.50
29-254	Unlawful manner of parking	7.50
29-255	No required lights on certain parked vehicles	7.50
29-256.1	Violation of handicapped parking restrictions	7.50
29-256.2	Unlawful parking in handicapped parking meter zone	7.50
29-257	Unloading perpendicular to curb without permit	7.50
29-258	Unlawful use of bus stops and taxicab stand	7.50
29-259	Unlawful use of passenger and loading zones	7.50
29-260	Unlawful parking adjacent to certain buildings	7.50
29-262	Unlawful parking for display for sale or advertising	7.50
29-263	Unlawful parking for more than 6 hours	7.50
29-264	Unlawful parking of commercial vehicles at night	7.50
29-265	Unlawful parking in alleys or on certain narrow streets	7.50
29-266	Unlawful parking in designated special parking areas	7.50
29-267	Parking on certain streets where prohibited at all times	7.50
29-268	Stopping, standing or parking on streets where prohibited at all times	7.50
29-269	Parking on certain streets where prohibited at all times on certain days	7.50
29-270	Parking on certain streets when prohibited at certain times on certain days	7.50
29-271	Stopping, standing or parking during prohibited hours on certain streets. If between hours of 6:00 a.m. - 9:00 a.m., 7:00 a.m. - 9:00 a.m., 3:00 p.m. - 6:00 p.m., 4:00 p.m. - 6:00 p.m.	25.00
29-272	Parking longer than permitted on certain streets at certain times on certain days	7.50
29-284	Parking in excess of time permitted in parking meter zone	7.50
29-291	Parking in meter zone when temporarily prohibited	7.50
29-297	Overtime parking in metered parking space	7.50
29-321	Unlawful parking during snow emergency	25.00
29-335	Leaving taxicab unattended	7.50
29-336	Unlawful parking of bus or taxicab	7.50
29-337	Unlawful parking in certain mailbox zones	7.50
29-341	Unlawful stopping, standing or parking near fire hydrant	7.50
29-342	Unlawful obstruction of fire lane	25.00
29-398	Unlawful loading or unloading of private bus	7.50
29-400	Unlawfully stopping of food vendor vehicle	7.50
29-401	Violation of noise restriction on food vendors	7.50
29-403	Failure of food vending vehicle to display required warnings	7.50
29-403.2	Unlawful vending for other than curb side of vending vehicle	7.50
29-406	Operation of bicycle without required equipment	7.50
29-407	Unlawful operation of bicycle	7.50
29-424	Operation of unregistered bicycle	7.50

SECTION 5. That the provisions of this ordinance shall be enforced from and after June 1, 1991.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 143, 1991. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 22, 1991. The Council did not schedule Proposal No. 143, 1991 for hearing pursuant to IC 36-7-4-608. Proposal No. 143, 1991 was retitled REZONING ORDINANCE NO. 22, 1991, and is identified as follows:

REZONING ORDINANCE NO. 22, 1991. 88-Z-46 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 7
2861-2921 EAST 56TH STREET, INDIANAPOLIS.
FRED B. LOTT requests the rezoning of 1.88 acres, being in the I-1-U district, to the C-1 classification to provide for existing offices and for the construction of new offices.

PROPOSAL NOS. 144-148, 1991. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 22, 1991. The Council did not schedule Proposal Nos. 144-148, 1991, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 144-148, 1991, were retitled REZONING ORDINANCE NOS. 23-27, 1991, and are identified as follows:

REZONING ORDINANCE NO. 23, 1991. 90-Z-204 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 10
1121-1207 EAST 24TH STREET, INDIANAPOLIS.
INDIANA VENEERS CORPORATION requests the rezoning of 2.5 acres, being in the I-2-U district, to the I-4-U classification to provide for the existing forest products processing business.

REZONING ORDINANCE NO. 24, 1991. 90-Z-224 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 22
771-735 MASSACHUSETTS AVENUE, INDIANAPOLIS.
EDWARD BEILOUNY requests the rezoning of 0.5739 acre, being in the I-E-U district, to the CBD-2 classification to provide for commercial development.

REZONING ORDINANCE NO. 25, 1991. 91-Z-1 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
4317 SOUTH EMERSON AVENUE, INDIANAPOLIS.
MARATHON PETROLEUM COMPANY requests the rezoning of 0.7 acre, being in the D-3 district, to the C-6 classification to provide for a gasoline service station.

REZONING ORDINANCE NO. 26, 1991. 91-Z-5 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
6439-6443 WEST 10TH STREET, INDIANAPOLIS.
DR. ROBERT B. EDESESS, by Philip A. Nicely, requests the rezoning of 1.15 acres, being in the D-A district, to the C-1 classification to provide for commercial development.

REZONING ORDINANCE NO. 27, 1991. 91-Z-22 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
2660 NATIONAL AVENUE, INDIANAPOLIS.
GREENFIELD BUILDERS, INC. requests the rezoning of 0.950 acre, being in the D-4 district, to the C-ID classification to provide for commercial development.

PROPOSAL NOS. 149 and 150, 1991. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 22, 1991. The Council did not schedule Proposal Nos. 149 and 150, 1991 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 149 and 150, 1991 were retitled REZONING ORDINANCE NOS. 28 and 29, 1991 and are identified as follows:

REZONING ORDINANCE NO. 28, 1991. 90-Z-213 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 2

4646-4750 NORTH MICHIGAN ROAD, INDIANAPOLIS.

JESUS IS THE WORD CHURCH requests the rezoning of 38.02 acres, being in the SU-S district, to the SU-1 classification to provide for the construction of a church.

REZONING ORDINANCE NO. 29, 1991. 91-Z-10 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 4

5678 ALLISONVILLE ROAD, INDIANAPOLIS.

PINES DEVELOPMENT CORPORATION requests the rezoning of 6.3 acres, being in the D-A district, to the D-2 classification to provide for the construction of single-family development by platting.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 81, 1991. Councillor Holmes reported that the Parks and Recreation Committee heard Proposal No. 81, 1991 on February 7, 1991. The proposal appropriates \$2,830,887 for the Department of Parks and Recreation, Administration Division, to improve various park facilities. 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 8:36 p.m. There being no one present to testify, Councillor Holmes moved, seconded by Councillor Irvin, for adoption. Proposal No. 81, 1991 was adopted on the following roll call vote; viz:

21 YEAS: Borst, Boyd, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West

0 NAYS:

8 NOT VOTING: Brooks, Clark, Golc, Jones, McGrath, Mukes-Gaither, Solenberg, Williams

Proposal No. 81, 1991 was retitled FISCAL ORDINANCE NO. 9, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City- County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Million Eight Hundred Thirty Thousand Eight Hundred Eighty-seven Dollars (\$2,830,887) in the Consolidated County Cumulative Development Fund for purposes of the Department of Parks & Recreation Administration Division and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks & Recreation Administration Division to upgrade existing facilities, provide new leisure time opportunities and decrease maintenance and operating costs.

SECTION 2. The sum of Two Million Eight Hundred Thirty Thousand Eight Hundred Eighty-seven Dollars (\$2,830,887) 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 & RECREATION
ADMINISTRATION DIVISION

CONSOLIDATED COUNTY CUMULATIVE
CAPITAL DEVELOPMENT FUND

4. Capital Outlay
TOTAL INCREASE

\$2,830,887
\$2,830,887

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

	<u>CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered Consolidated County Cumulative Capital Development Fund	<u>\$2,830,887</u>
TOTAL REDUCTION	\$2,830,887

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

PROPOSAL NO. 82, 1991. Councillor Holmes reported that the Parks and Recreation Committee heard Proposal No. 82, 1991 on February 7, 1991. The proposal appropriates \$46,000 for the Department of Parks and Recreation, Administration Division, to install park facilities at 801 South State Street. 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 8:38 p.m. There being no one present to testify, Councillor Holmes moved, seconded by Councillor Irvin, for adoption. Proposal No. 82, 1991 was adopted on the following roll call vote; viz:

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

Proposal No. 82, 1991 was retitled FISCAL ORDINANCE NO. 10, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City- County Fiscal Ordinance No. 95, 1990) appropriating an additional Forty-six Thousand Dollars (\$46,000) in the Park General Fund for purposes of the Department of Parks & Recreation Administration 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 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks & Recreation Administration Division to install park facilities at 801 South State Street.

SECTION 2. The sum of Forty-six Thousand Dollars (\$46,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS & RECREATION <u>ADMINISTRATION DIVISION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>\$46,000</u>
TOTAL INCREASE	\$46,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	<u>\$46,000</u>
TOTAL REDUCTION	\$46,000

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

PROPOSAL NO. 83, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 83, 1991 on February 6, 1991. The proposal appropriates \$59,000 for the Sheriff to pay overtime expenses incurred as a result of the Sheriff's involvement in the County Cooperative Speed Enforcement Project, the objectives of which are to enforce the 55 mph speed limit and to promote safety belt/child restraint use. 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 8:41 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 83, 1991 was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Cottingham, Curry, Dowden, Gilmer, Holmes, Howard, Irvin, Jones, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West*

0 NAYS:

9 NOT VOTING: *Brooks, Clark, Coughenour, Giffin, Golc, Hawkins, McGrath, Shaw, Williams*

Proposal No. 83, 1991 was retitled FISCAL ORDINANCE NO. 11, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City- County Fiscal Ordinance No. 95, 1990) appropriating an additional Fifty-nine Thousand Dollars (\$59,000) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (z) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to pay overtime expenses incurred as a result of the Sheriff's involvement in the Marion County Cooperative Speed Enforcement Project to enforce 55 m.p.h. speed compliance and to promote safety belt/child restraint use.

SECTION 2. The sum of Fifty-nine Thousand Dollars (\$59,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>\$59,000</u>
TOTAL INCREASE	\$59,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State & Federal Grants Fund	<u>\$59,000</u>
TOTAL REDUCTION	\$59,000

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

PROPOSAL NO. 84, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 84, 1991 on February 6, 1991. The proposal appropriates \$11,500 for the Sheriff to pay the salary of one part-time employee to work with the Child Abuse Awareness Program. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:43 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 84, 1991 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West*

0 NAYS:

6 NOT VOTING: *Coughenour, Golc, McGrath, Mukes-Gaither, Shaw, Williams*

Proposal No. 84, 1991 was retitled FISCAL ORDINANCE NO. 12, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City- County Fiscal Ordinance No. 95, 1990) appropriating an additional Eleven Thousand Five Hundred Dollars (\$11,500) in the County Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b) and (z) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to pay the salary of one part-time employee to work with the Child Abuse Awareness Program.

SECTION 2. The sum of Eleven Thousand Five Hundred Dollars (\$11,500) 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>COUNTY SHERIFF</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services	\$ 8,780
3. Other Services and Charges	1,500
 <u>COUNTY AUDITOR (FRINGES)</u>	
(FICA/PERF)	<u>1,220</u>
TOTAL INCREASE	\$11,500

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>\$11,500</u>
TOTAL REDUCTION	\$11,500

SECTION 5. This City-County Council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor or the county auditor, or both, are directed to notify the City-County Council in writing of such proposed loss of revenue.

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

The President ruled that Proposal Nos. 87 and 88, 1991 would be the next items on the agenda and asked for consent to vote on them together. Consent was given.

PROPOSAL NOS. 87 and 88, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 87 and 88, 1991 on February 13, 1991. PROPOSAL NO. 87, 1991. The proposal appropriates \$4,403,948 for the Department of Transportation, Finance & Administration Division, for the acquisition of land, and to repair and/or replace bridges, and to widen and/or realign streets and intersections (City). The proposal was amended in Committee by reducing the appropriation to \$3,697,948. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. PROPOSAL NO. 88, 1991. The proposal appropriates \$2,321,773 for the Department of Transportation, Finance & Administration Division, for the acquisition of land, and to repair and/or replace bridges, and to widen and/or realign streets and intersections (County). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:55 p.m.

Elwood Black, an Indianapolis citizen, asked for a progress report on the repair of sidewalks at two locations that have been on the Department of Transportation's (DOT) list for two years: (1) 43rd and Crandon Road, and (2) 22nd and Central. Joseph Staehler, Director of DOT, responded that he will ask for a staff report on both of those projects.

Councillor Strader stated that there is a bridge in her district that DOT worked on two years ago and it was left in worst condition than before they worked on it. Mr. Staehler responded that he will look into it.

Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption. Proposal No. 87, 1991, as amended, and Proposal No. 88, 1991 were adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, Moriarty, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

5 NOT VOTING: Dowden, Hawkins, McGrath, Mukes-Gaither, Schneider

Proposal No. 87, 1991, as amended, was retitled FISCAL ORDINANCE NO. 14, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Three Million Six Hundred Ninety-seven Thousand Nine Hundred Forty-eight Dollars (\$3,697,948) in the City Cumulative Capital Development Fund for purposes of the Department of Transportation Finance and Administration Division and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases

and reductions hereinafter stated for purposes of the Department of Transportation Finance & Administration Division to pay for engineering, land acquisition and construction projects.

SECTION 2. The sum of Three Million Six Hundred Ninety-seven Thousand Nine Hundred Forty-eight Dollars (\$3,697,948) 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>DEPARTMENT OF TRANSPORTATION FINANCE & ADMINISTRATION DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>\$3,697,948</u>
TOTAL INCREASE	\$3,697,948

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

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered City Cumulative Capital Development Fund	<u>\$3,697,948</u>
TOTAL REDUCTION	\$3,697,948

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

Proposal No. 88, 1991 was retitled FISCAL ORDINANCE NO. 15, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City- County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Million Three Hundred Twenty-one Thousand Seven Hundred Seventy-three Dollars (\$2,321,773) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Transportation Finance & Administration Division and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Transportation Finance & Administration Division to pay for repair or replacement of bridges, as well as widening and realignment of streets or intersections and for land acquisition.

SECTION 2. The sum of Two Million Three Hundred Twenty-one Thousand Seven Hundred Seventy-three Dollars (\$2,321,773) 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>DEPARTMENT OF TRANSPORTATION FINANCE & ADMINISTRATION DIVISION</u>	<u>CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>\$2,321,773</u>
TOTAL INCREASE	\$2,321,773

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

	<u>CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered Consolidated County Cumulative Capital Development Fund	<u>\$2,321,773</u>
TOTAL REDUCTION	\$2,321,773

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

PROPOSAL NO. 85, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 85, 1991 on February 14, 1991. The proposal appropriates \$1,000,000 for the Department of Public Works, Advanced Wastewater Treatment, to complete replacement of the Evanston Avenue lift station facility. By a 5-0 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 8:58 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Cottingham, for adoption. Proposal No. 85, 1991, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 85, 1991, as amended, was retitled FISCAL ORDINANCE NO. 13, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Million Dollars (\$1,000,000) in the Sanitation General Fund for purposes of the Department of Public Works Advanced Wastewater Treatment and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

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 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works Advanced Wastewater Treatment to complete replacement of the Evanston Avenue lift station and forcemain.

SECTION 2. The sum of One Million Dollars (\$1,000,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>ADVANCED WASTEWATER TREATMENT</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	<u>\$1,000,000</u>
TOTAL INCREASE	\$1,000,000

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered Sanitation General Fund	<u>\$1,000,000</u>
TOTAL REDUCTION	\$1,000,000

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. 80, 1991. Councillor Rhodes reported that the Administration Committee heard Proposal No. 80, 1991 on February 11, 1991. The proposal authorizes the County

Recorder to lease storage space from the Indianapolis Vault Company, Ltd. at 117 East Washington Street. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Shaw, for adoption. Proposal No. 80, 1991 was adopted on the following roll call vote; viz:

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

Proposal No. 80, 1991 was retitled SPECIAL RESOLUTION NO. 24, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 1991

A SPECIAL RESOLUTION authorizing the lease of a storage area from Indianapolis Vault Company, Ltd. at 117 East Washington Street, Indianapolis, Indiana, for the Marion County Recorder.

WHEREAS, said building is owned by Indianapolis Vault Company, Ltd, whose general partner is U.S.A. Vault Corporation, 9102 N Meridian Street, Indianapolis, IN 46260; and whose limited partners are:

1. James D. Foulke, 3385 Grove Parkway, Columbus, Indiana 47203
2. R. Merrill Reece, 8067 Hollybrook Court, Indianapolis, Indiana
3. The State Life Insurance Company, 141 E. Washington Street, Indianapolis, Indiana 46204
4. Mr. Harrison Eiteljorg, 4567 Cold Spring Road, Indianapolis, IN 46208
5. Mr. & Mrs. Donald R. Gray, Rod Gray & Associates, 11179 Estancia Way, Carmel, Indiana 46032
6. Indiana University Foundation, James Elliott, Vice President/Finance, P.O. Box 500, Bloomington, Indiana 47402
7. Dr. & Mrs. Earl H. Johnson, 4801 Plantation Drive, Indianapolis, IN 46250
8. Mr. & Mrs. James Karl, 11106 Towne Road, Carmel, Indiana 46032
9. Dr. Robert W. Kirtley, 350 Urban Street, Danville, Indiana 46122
10. Mr. James F. LaCrosse, 7915 Morningside Drive, Indianapolis, IN 46240
11. L.J. Remi Trust, L.J. Noling, Trustee, 4635 E. 75th Street, Indianapolis, Indiana 46250
12. Mr. Charles Laughner, Laughner Brothers, Inc., 4004 S. East Street, Indianapolis, Indiana 46227
13. Mr. Thomas S. Osborne, AHM Graves, 1119 Keystone Way, Carmel, IN 46032
14. Dr. T. P. Schlaegel, Jr., 2006 Boston Court, Indianapolis, IN 46028
15. Mr. Robert Wilds, P.O. Box 125, Indianapolis, Indiana 46225
16. Dr. & Mrs. Gary Wright, R.R. 1, Box 218H, Pittsboro, Indiana 46167

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, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of storage space for the use of the Marion County Recorder is necessary.

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

PROPOSAL NO. 86, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 86, 1991. The proposal approves the sale of certain surplus real estate by the Department of Public Works. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Curry, for adoption. Proposal No. 86, 1991, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Coughenour, Curry, Giffin, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, West, Williams

0 NAYS:

5 NOT VOTING: Clark, Cottingham, Dowden, Gilmer, Strader

Proposal No. 86, 1991, as amended, was retitled SPECIAL RESOLUTION NO. 25, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 1991

A SPECIAL RESOLUTION approving the sale of certain surplus real estate by the Department of Public Works.

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

SECTION 1. The City-County Council approves, pursuant to IC 36-1-11-3, the sale of the following property by the Department of Public Works:

<u>Location</u>	<u>Parcel No.</u>	<u>Total Appraised Value of Three Parcels to be Sold Together</u>
2614 Bethel Avenue	1026061	
2618 Bethel Avenue	1071585	\$100,000
2620 Bethel Avenue	1071586	

The disposing agent is authorized to sell the above referenced property to the highest bidder. However, he or she may sell the property for less than ninety percent (90%) of the appraised value only after having an additional notice of the sale published in accordance with IC 36-1-11-4(c).

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

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:10 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 25th day of February, 1991.

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

President

Clerk of the Council

ATTEST:

(SEAL)