

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

**REGULAR MEETINGS
MONDAY, MARCH 16, 1992**

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 7:12 p.m. on Monday, March 16, 1992, with Councillor SerVaas presiding.

Councillor Schneider 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: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Smith introduced Indianapolis Fire Chief Keith Smith. Councillor Dowden introduced Indianapolis Police Chief James D. Toler.

Councillor Curry introduced former Councillors Dwight Cottingham and Holley Holmes.

Councillor Golc introduced Dr. Richard Feldman, Professor at the Indiana University School of Medicine, Director of Family Practice at St. Francis Hospital, and a candidate for Marion County Coroner.

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

PROPOSAL NO. 149, 1992. This proposal, sponsored by all the Councillors, honors the Indianapolis Fire Department. Councillor Short read the resolution and presented copies of the document to the families of John Lorenzano and Ellwood Gelenius, firefighters who died in a fire at the Athletic Club on February 5, 1992. Councillor Short also presented copies of the document to Michael Spaulding and Ann Comparet, firefighters who were seriously injured in the same fire. Fire Chief Smith expressed appreciation for the recognition. Councillor Short moved, seconded by Councillor Dowden, for adoption. Proposal No. 149, 1992 was adopted by unanimous voice vote.

Proposal No. 149, 1992 was retitled SPECIAL RESOLUTION NO. 16, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1992

A SPECIAL RESOLUTION honoring the Indianapolis Fire Department.

WHEREAS, while the city slept during the pre-dawn darkness of early February 5, 1992, what firefighters call the "Beast" raised its ugly head in the form of a three alarm fire in the Indianapolis Athletic Club; and

WHEREAS, during the blaze, two Indianapolis city firefighters and a club hotel guest lost their lives, two firefighters suffered severe injuries, and several employees, guests and firefighters were less seriously injured; and

WHEREAS, the fire was suppressed, but the flags that later flew at half-mast gave visible testimony to the terrible price that the fire extracted from its victors; 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 commends the fidelity to duty of all the firefighters who did their job of protecting life and property at the Indianapolis Athletic Club fire on February 5, 1992.

SECTION 2. The Council wishes a speedy recovery to injured firefighters Captain Michael L. Spalding and Private Ann Comparet.

SECTION 3. The Council, through this Memorial Resolution, laments the unfortunate loss of life in the line of duty of firefighters Corporal Ellwood M. Gelenius and Private John J. Lorenzano, and expresses its sympathy to the family and friends in their bereavement of these two dedicated public servants.

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

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

Councillors Howard and Williams asked for a moment of silence in memory of the deceased firefighters.

Councillor Ruhmkorff moved that there be an annual Firefighters Appreciation Day on February 5. Councillor Howard seconded the motion. This motion passed by unanimous voice vote. The President said that the motion will be put in formal form so that it will be a matter of record.

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OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 16, 1992, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

March 2, 1992

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, March 5, 1992, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 79, 80, 82, 83, 85 and 93, 1992, to be held on Monday, March 16, 1992, at 7:00 p.m., in the City-County Building.

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

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 11, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Four Thousand Dollars (\$4,000) in the Surveyor's Corner Perpetuation Fund for purposes of the County Surveyor and reducing the unappropriated and unencumbered balance in the Surveyor's Corner Perpetuation Fund

FISCAL ORDINANCE NO. 12, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Seventeen Thousand Dollars (\$117,000) in the State and Federal Grants Fund for purposes of the Presiding Judge of the Municipal Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund

GENERAL ORDINANCE NO. 5, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 6, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 7, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

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GENERAL ORDINANCE NO. 8, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 9, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 10, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 11, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 12, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls

GENERAL ORDINANCE NO. 13, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets

GENERAL ORDINANCE NO. 14, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets

GENERAL ORDINANCE NO. 15, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-268, Stopping, standing or parking prohibited at all times on designated streets

GENERAL ORDINANCE NO. 16, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits

GENERAL ORDINANCE NO. 17, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours; and Section 29-267, Parking prohibited at all times on certain streets

GENERAL ORDINANCE NO. 18, 1992, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets

SPECIAL ORDINANCE NO. 1, 1992, authorizing the Amendment of Documents relating to \$2,300,000 City of Indianapolis Economic Development First Mortgage Refunding Revenue Bonds, Series 1983 (Wulsin Associates Project) Dated as of March 1, 1983

SPECIAL RESOLUTION NO. 13, 1992, congratulating the Arsenal Tech Constitution team

SPECIAL RESOLUTION NO. 14, 1992, recognizing the Fulton Falcons basketball team

SPECIAL RESOLUTION NO. 15, 1992, recognizing Habitat for Humanity

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

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 February 24, 1992. There being no additions or corrections, the minutes were approved as distributed.

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

The President stated that there are twenty-nine board appointments that have been heard in various committees. By unanimous votes the Committees have recommended to the full Council that the proposals be adopted. Unless some of these board appointments are to be discussed separately, all these proposals will be voted on together. Councillor Jimison asked that Proposal Nos. 111 and 112, 1992 be withdrawn and voted on separately.

PROPOSAL NOS. 97, 98, 99, 101, 102, 103, 104, 105, 106, 109, 110, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 136 and 137, 1992. PROPOSAL NO. 97, 1992. The proposal reappoints Ray Battcy to the City-County Administrative Board. PROPOSAL NO. 98, 1992. The proposal reappoints Ruby Miller to the City-County Administrative Board. PROPOSAL NO. 99, 1992. The proposal appoints Urban I. Merl, Jr. to the Alcoholic Beverage Board of Marion County. PROPOSAL NO. 101, 1992. The proposal reappoints Donald J. Hargadon to the Cable Franchise Board. PROPOSAL NO. 102, 1992. The proposal reappoints Joe M. Rink to the Cable Franchise Board. PROPOSAL NO. 103, 1992. The proposal appoints James Sawyers to the Cable Franchise Board. PROPOSAL NO. 104, 1992. The proposal appoints Phillip Hinkle to the Marion County Board of Tax Adjustment. PROPOSAL NO. 105, 1992. The proposal appoints Ron Franklin to the Public Housing Advisory Council. PROPOSAL NO. 106, 1992. The proposal appoints Michael McQuillen to the Public Housing Advisory Council. PROPOSAL NO. 109, 1992. The proposal reappoints J. Lloyd Grannan to the Marion County Animal Control Board. PROPOSAL NO. 110, 1992. The proposal reappoints Chris R. Lowery to the Marion County Animal Control Board. PROPOSAL NO. 113, 1992. The proposal reappoints Philip C. Borst, D.V.M. to the Indianapolis-Marion County Forensic Services Board. PROPOSAL NO. 114, 1992. The proposal reappoints Tony Buford to the Board of Public Works. PROPOSAL NO. 116, 1992. The proposal reappoints Howard Howe to the Transportation Board. PROPOSAL NO. 117, 1992. The proposal appoints Holley Holmes to the Transportation Board. PROPOSAL NO. 118, 1992. The proposal reappoints Louis Lopez to the Community Centers of Indianapolis Board. PROPOSAL NO. 119, 1992. The proposal reappoints Sue Shively to the Community Centers of Indianapolis Board. PROPOSAL NO. 120, 1992. The proposal reappoints Doris Stigler to the Community Centers of Indianapolis Board. PROPOSAL NO. 121, 1992. The proposal appoints W. Tobin McClamroch to the Audit Committee. PROPOSAL NO. 122, 1992. The proposal reappoints J. Byron Jensen to the Marion County Commission on Youth. PROPOSAL NO. 123, 1992. The proposal reappoints Jeffrey Roberts to the Marion County Commission on Youth. PROPOSAL NO. 124, 1992. The proposal reappoints Lelia Smith to the Marion County Commission on Youth. PROPOSAL NO. 125, 1992. The proposal reappoints Mark DeFabis to the Indianapolis City-Market Corporation Board of Directors. PROPOSAL NO. 126, 1992. The proposal appoints Claudia Prosser to the Indianapolis City-Market Corporation Board of Directors. PROPOSAL NO. 127, 1992. The proposal reappoints Sara Mitten Snyder to the Indianapolis City-Market Corporation Board of Directors. PROPOSAL NO. 136, 1992. The proposal reappoints Mary Alice Buckler to the Juvenile Detention Center Advisory Board. PROPOSAL NO. 137, 1992. The proposal appoints Betty W. Enloe to the Marion County Community Corrections Advisory Board.

Councillor Dowden moved to amend Proposal No. 137, 1992, Section 2, by changing the term to end December 31, 1993. The motion was seconded by Councillor West and passed by unanimous voice vote.

Councillor West introduced James Sawyers, a new appointee to the Cable Franchise Board.

Councillor Golc stated that he will abstain from voting on Proposal No. 113, 1992 because he believes it presents a conflict of interest for a Councillor to be both a board appointee and a member of a standing council committee that votes on that board appointment.

The President said that Councillor Golc's choice should be to vote against it. Councillor Golc said that it is his decision to make and he will abstain.

Councillor Coughenour said that it is her understanding that under the Rules of the Council Councillors are not allowed to abstain unless there is a conflict of interest.

Councillor West suggested that the ordinance that outlines membership to a board might be reviewed. Councillor Golc said that if Councillor West agrees to study this ordinance and perhaps change it, then he would vote in favor of Proposal No. 113, 1992.

PROPOSAL NOS. 97, 98, 99, 101, 102, 103, 104, 105, 106, 109, 110, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 136 and 137, as amended, 1992 were passed by the following roll call vote; viz:

26 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

3 NOT VOTING: Black, Hinkle, Moriarty

Proposal No. 97, 1992 was retitled COUNCIL RESOLUTION NO. 6, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 1992

A COUNCIL RESOLUTION reappointing Ray Battey to the City-County Administrative Board.

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

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

Ray Battey

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 98, 1992 was retitled COUNCIL RESOLUTION NO. 7, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 1992

A COUNCIL RESOLUTION reappointing Ruby Miller to the City-County Administrative Board.

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

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

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Ruby Miller

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 99, 1992 was retitled COUNCIL RESOLUTION NO. 8, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 1992

A COUNCIL RESOLUTION appointing Urban I. Merl, Jr. to the Alcoholic Beverage Board of Marion County.

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

SECTION 1. As a member of the Alcoholic Beverage Board of Marion County, the Council appoints:

Urban I. Merl, Jr.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 101, 1992 was retitled COUNCIL RESOLUTION NO. 9, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 1992

A COUNCIL RESOLUTION reappointing Donald J. Hargadon to the Cable Franchise Board.

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

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Donald J. Hargadon

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 102, 1992 was retitled COUNCIL RESOLUTION NO. 10, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 1992

A COUNCIL RESOLUTION reappointing Joe M. Rink to the Cable Franchise Board.

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

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Joe M. Rink

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 103, 1992 was retitled COUNCIL RESOLUTION NO. 11, 1992 and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 11, 1992

A COUNCIL RESOLUTION appointing James Sawyers to the Cable Franchise Board.

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

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

James Sawyers

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 104, 1992 was retitled COUNCIL RESOLUTION NO. 12, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 12, 1992

A COUNCIL RESOLUTION appointing Phillip Hinkle to the Marion County Board of Tax Adjustment.

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

SECTION 1. As a member of the Marion County Board of Tax Adjustment, the Council appoints:

Phillip Hinkle

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 105, 1992 was retitled COUNCIL RESOLUTION NO. 13, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 13, 1992

A COUNCIL RESOLUTION appointing Ron Franklin to the Public Housing Advisory Council.

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

SECTION 1. As a member of the Public Housing Advisory Council, the Council appoints:

Ron Franklin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 106, 1992 was retitled COUNCIL RESOLUTION NO. 14, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 14, 1992

A COUNCIL RESOLUTION appointing Michael McQuillen to the Public Housing Advisory Council.

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

SECTION 1. As a member of the Public Housing Advisory Council, the Council appoints:

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Michael McQuillen

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 109, 1992 was retitled COUNCIL RESOLUTION NO. 15, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 1992

A COUNCIL RESOLUTION reappointing J. Lloyd Grannan to the Marion County Animal Control Board.

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

SECTION 1. As a member of the Marion County Animal Control Board, the Council appoints:

J. Lloyd Grannan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 110, 1992 was retitled COUNCIL RESOLUTION NO. 16, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 1992

A COUNCIL RESOLUTION reappointing Chris R. Lowery to the Marion County Animal Control Board.

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

SECTION 1. As a member of the Marion County Animal Control Board, the Council appoints:

Chris R. Lowery

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 113, 1992 was retitled COUNCIL RESOLUTION NO. 17, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 1992

A COUNCIL RESOLUTION reappointing Philip C. Borst, D.V.M. to the Indianapolis-Marion County Forensic Services Board.

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

SECTION 1. As a member of the Indianapolis-Marion County Forensic Services Board, the Council appoints:

Philip C. Borst, D.V.M.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 114, 1992 was retitled COUNCIL RESOLUTION NO. 18, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 1992

A COUNCIL RESOLUTION reappointing Tony Buford to the Board of Public Works.

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

SECTION 1. As a member of the Board of Public Works, the Council appoints:

Tony Buford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 116, 1992 was retitled COUNCIL RESOLUTION NO. 19, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 1992

A COUNCIL RESOLUTION reappointing Howard Howe to the Transportation Board.

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

SECTION 1. As a member of the Transportation Board, the Council appoints:

Howard Howe

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 117, 1992 was retitled COUNCIL RESOLUTION NO. 20, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 1992

A COUNCIL RESOLUTION appointing Holley Holmes to the Transportation Board.

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

SECTION 1. As a member of the Transportation Board, the Council appoints:

Holley Holmes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 118, 1992 was retitled COUNCIL RESOLUTION NO. 21, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 1992

A COUNCIL RESOLUTION reappointing Louis Lopez to the Community Centers of Indianapolis Board.

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

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Louis Lopez

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 119, 1992 was retitled COUNCIL RESOLUTION NO. 22, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 1992

A COUNCIL RESOLUTION reappointing Sue Shively to the Community Centers of Indianapolis Board.

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

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Sue Shively

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 120, 1992 was retitled COUNCIL RESOLUTION NO. 23, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 1992

A COUNCIL RESOLUTION reappointing Doris Stigler to the Community Centers of Indianapolis Board.

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

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Doris Stigler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 121, 1992 was retitled COUNCIL RESOLUTION NO. 24, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 1992

A COUNCIL RESOLUTION appointing W. Tobin McClamroch to the Audit Committee.

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

SECTION 1. As a member of the Audit Committee, the Council appoints:

W. Tobin McClamroch

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SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 122, 1992 was retitled COUNCIL RESOLUTION NO. 25, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 1992

A COUNCIL RESOLUTION reappointing J. Byron Jensen to the Marion County Commission on Youth.

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

SECTION 1. As a member of the Marion County Commission on Youth, the Council appoints:

J. Byron Jensen

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 123, 1992 was retitled COUNCIL RESOLUTION NO. 26, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 1992

A COUNCIL RESOLUTION reappointing Jeffrey Roberts to the Marion County Commission on Youth.

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

SECTION 1. As a member of the Marion County Commission on Youth, the Council appoints:

Jeffrey Roberts

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 124, 1992 was retitled COUNCIL RESOLUTION NO. 27, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 1992

A COUNCIL RESOLUTION reappointing Lelia Smith to the Marion County Commission on Youth.

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

SECTION 1. As a member of the Marion County Commission on Youth, the Council appoints:

Lelia Smith

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 125, 1992 was retitled COUNCIL RESOLUTION NO. 28, 1992 and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 28, 1992

A COUNCIL RESOLUTION reappointing Mark DeFabis to the Indianapolis City-Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City-Market Corporation Board of Directors, the Council appoints:

Mark DeFabis

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 126, 1992 was retitled COUNCIL RESOLUTION NO. 29, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 1992

A COUNCIL RESOLUTION appointing Claudia Prosser to the Indianapolis City-Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City-Market Corporation Board of Directors, the Council appoints:

Claudia Prosser

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 127, 1992 was retitled COUNCIL RESOLUTION NO. 30, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 1992

A COUNCIL RESOLUTION reappointing Sara Mitten Snyder to the Indianapolis City-Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City-Market Corporation Board of Directors, the Council appoints:

Sara Mitten Snyder

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 136, 1992 was retitled COUNCIL RESOLUTION NO. 31, 1992 and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 31, 1992

A COUNCIL RESOLUTION reappointing Mary Alice Buckler to the Juvenile Detention Center Advisory Board.

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

SECTION 1. As a member of the Juvenile Detention Center Advisory Board, the Council appoints:

Mary Alice Buckler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 137, 1992, as amended, was retitled COUNCIL RESOLUTION NO. 32, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 1992

A COUNCIL RESOLUTION appointing Betty W. Enloe to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Betty W. Enloe

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

PROPOSAL NO. 111, 1992. The proposal reappoints William S. Gardiner to the Board of Public Safety. PROPOSAL NO. 112, 1992. The proposal reappoints Elliott Nelson to the Board of Public Safety. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 111 and 112, 1992 on March 4, 1992. By a 6-0-1 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption.

Councillor Jimison stated she abstained in Committee. She believes that the gentlemen recommended for the board appointments are fine public servants, but this Board of Public Safety has no minority representation and she does not believe the board's membership reflects the needs of the total community. She moved to table Proposal No. 111, 1992 until the next Council meeting. This motion was seconded by Councillor Howard.

Councillor Boyd said that he supports Councillor Jimison's motion to table because this particular board needs a particular kind of sensitivity specifically in the area of public safety which has generated controversy and racial tension in recent years.

Councillor West said that he agrees with Councillors Jimison and Boyd that the membership on the Board of Public Safety is not balanced.

The President noted that these appointments to the Board of Public Safety are for one-year terms.

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The motion to table Proposal No. 111, 1992 failed by the following roll call vote; viz:

12 YEAS: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Short, West, Williams

17 NAYS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith

The President said that he believes that Councillor Jimison has raised a valid point concerning minority representation on the Board of Public Safety and suggested that it be taken into consideration for the selection of the 1993 nominees.

Proposal No. 111, 1992 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, McClamroch, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West

10 NAYS: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Mullin, Short, Williams

1 NOT VOTING: Hinkle

Proposal No. 111, 1992 was retitled COUNCIL RESOLUTION NO. 33, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 33, 1992

A COUNCIL RESOLUTION reappointing William S. Gardiner to the Board of Public Safety.

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

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

William S. Gardiner

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Councillor Jimison moved, seconded by Councillor Howard, to table Proposal No. 112, 1992. She said that she does not understand the selection process for board appointments.

The President said that any Councillor may nominate anyone for a board appointment at anytime.

Councillor Jimison's motion to table Proposal No. 112, 1992 failed by a majority voice vote.

At this time Councillor Black introduced his wife, Mary, and remarked that they were celebrating their fiftieth wedding anniversary.

Proposal No. 112, 1992 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, Moriarty, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West

10 NAYS: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Mullin, Short, Williams

1 NOT VOTING: Rhodes

Proposal No. 112, 1992 was retitled COUNCIL RESOLUTION NO. 34, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 1992

A COUNCIL RESOLUTION reappointing Elliott Nelson to the Board of Public Safety.

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

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

Elliott Nelson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 138, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a **FISCAL ORDINANCE** transferring and appropriating \$325,000 for the Department of Administration, Microfilm Archives Division, to pay an outside vendor for record services"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 139, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a **SPECIAL RESOLUTION** approving an amendment to the Public Safety Training Academy Lease between the City and the Building Authority"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 140, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a **SPECIAL RESOLUTION** approving an amendment to the Central Garage Lease between the City and the Building Authority"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 141, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a **SPECIAL RESOLUTION** approving an amendment to the Marion County Jail Lease between the County and the Building Authority"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 142, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a **SPECIAL RESOLUTION** approving an amendment to the Marion County Juvenile Detention Center Lease between the County and the Building Authority"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 143, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a **GENERAL ORDINANCE** amending the Code by expanding the 500 Festival from 48 hours to 30 days and giving the Controller authority instead of the Board of Public Works concerning concessionaires"; and the President referred it to the Administration and Finance Committee.

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PROPOSAL NO. 144, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning outdoor retail sales from carts"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 145, 1992. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$6,454 for the Cooperative Extension Service to purchase a postage machine"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 146, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the Fort Harrison Transition Task Force Charter"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 147, 1992. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Leon Edward Younger as Director of the Department of Parks and Recreation for a term ending December 31, 1992"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 148, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving the amendment of the Trust Indenture between the City and INB National Bank relating to 1985 City of Indianapolis Adjustable/Fixed Rate Resource Recovery Revenue Bonds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 150, 1992. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Barry S. Baer as Director of the Department of Public Works for a term ending December 31, 1992"; and the President referred it to the Public Works Committee.

[Clerk's Note: Proposal No. 151, 1992 was withdrawn.]

PROPOSAL NO. 152, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing David F. McNamar to the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 157, 1992. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving certain public purpose grants for support of the arts"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 153, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on March 11, 1992". The Council did not schedule Proposal No. 153, 1992 for hearing pursuant to IC 36-7-46-608. Proposal No. 153, 1992 was retitled REZONING ORDINANCE NO. 26, 1992 and is identified as follows:

REZONING ORDINANCE NO. 26, 1992. 91-Z-33 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT #08.
3406 LAFAYETTE ROAD, INDIANAPOLIS.
CLARK OIL, by Max Kennedy, requests the rezoning of 0.475 acre, being in the D-4/FP District, to the C-3/FP classification to provide for commercial development.

PROPOSAL NOS. 154-156, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 11, 1992". The Council did not schedule Proposal Nos. 154-156, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 154-156, 1992 were retitled REZONING ORDINANCE NOS. 27-29, 1992 and are identified as follows:

REZONING ORDINANCE NO. 27, 1992. 91-Z-166 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #20.
3643 SOUTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.
GREENWALT DEVELOPMENT, INC., by Harry F. McNaught, Jr., requests the rezoning of 16.8 acres, being in the I-3-S, D-4, CID, and C-1 Districts, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 28, 1992. 92-Z-4 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT #01.
6314 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.
JESUS IS LORD CHRISTIAN FELLOWSHIP CHURCH requests the rezoning of 5.310 acres, being in the D-7 District, to the SU-1 classification to provide for a church.

REZONING ORDINANCE NO. 29, 1992. 92-Z-9 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #12.
7365 EAST 16TH STREET (approximate address), INDIANAPOLIS.
WILDWOOD HEALTH CENTER, L.P., by Mary E. Solada, requests the rezoning of 2.4 acres, being in the D-3 District, to the C-1 classification to provide for the expansion of an existing health care center to accommodate assisted living apartment units.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 93, 1992. The proposal is a rezoning ordinance for certain property in Center Township, Councilmanic District 17, located at 3737-47 North College Avenue. Proposal No. 93, 1992 was certified by the Metropolitan Development Commission on February 20, 1992. On February 24, 1992, the Council voted to schedule a public hearing for March 16, 1992.

The President stated that Councillor Black and the Council staff met with the petitioners and remonstrators and as result of the discussions, Councillor Black has informed the President that he no longer has any objection to this rezoning.

Kip Normand, Historic Landmarks Foundation, testified that this rezoning will clear the way to demolish the MaCo building which is a premier example of art deco architecture in the city. He urged the Council to approve the rezoning only if the MaCo building is preserved.

Mike Quinn, attorney for the petitioner, stated that the petitioner has worked out thirteen commitments with the Mapleton-Fall Creek Neighborhood Association and the rezoning is now supported by the neighborhood association.

Proposal No. 93, 1992 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

March 16, 1992

0 NAYS:

3 NOT VOTING: *Borst, Golc, Williams*

Proposal No. 93, 1992 was retitled REZONING ORDINANCE NO. 30, 1992 and is identified as follows:

REZONING ORDINANCE NO. 30, 1992. 91-Z-174 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT 9.
3737-47 NORTH COLLEGE AVENUE, INDIANAPOLIS.
CONTINENTAL REALTY AND DEVELOPMENT COMPANY, by Thomas Michael Quinn and Michael D. Keele, requests the rezoning of 0.55 acre, being in the D-8 district, to the C-3 classification to provide for commercial development.

PROPOSAL NOS. 4 and 5, 1992. PROPOSAL NO. 4, 1992. The proposal appropriates \$450,500 for the Marion County Superior Courts to establish and operate the Public Defender Services Agency. PROPOSAL NO. 5, 1992. The proposal appropriates \$297,206 for the Public Defenders Services Agency to pay the costs of adding two public defenders for each Criminal Court and two public defenders for the Juvenile Court. Councillor Dowden asked for consent to postpone Proposal Nos. 4 and 5, 1992 until April 6, 1992. Consent was given.

PROPOSAL NO. 82, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 82, 1992 on March 4, 1992. The proposal appropriates \$425,328 for the Metropolitan Emergency Communications Agency to pay Indiana Bell Telephone, Inc. for Enhanced 9-1-1 equipment. 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 8:32 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 82, 1992 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

3 NOT VOTING: *Golc, Howard, Williams*

Proposal No. 82, 1992 was retitled FISCAL ORDINANCE NO. 13, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Four Hundred Twenty-five Thousand Three Hundred Twenty-eight Dollars (\$425,328) in the Metropolitan Emergency Communication Fund (Enhanced 9-1-1) for purposes of the Metropolitan Emergency Communications Agency and reducing the unappropriated and unencumbered balance in the Metropolitan Emergency Communication Fund (Enhanced 9-1-1).

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 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Metropolitan Communications Agency to pay Indiana Bell Telephone, Inc. for one-time charges associated with the deinstallation/reinstallation of Enhanced 9-1-1 equipment already covered under contract and to cover costs associated with the addition of new equipment for the 96 month balance of the ten (10) year contract.

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SECTION 2. The sum of Four Hundred Twenty-five Thousand Three Hundred Twenty-eight Dollars (\$425,328) 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>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>METROPOLITAN EMERGENCY COMMUNICATIONS FUND</u>
3. Other Services and Charges	<u>\$425,328</u>
TOTAL INCREASE	\$425,328

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

	<u>METROPOLITAN EMERGENCY COMMUNICATIONS FUND</u>
Unappropriated and Unencumbered	
Metropolitan Emergency Communications Fund	<u>\$425,328</u>
TOTAL REDUCTION	\$425,328

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

PROPOSAL NO. 83, 1992. The proposal appropriates \$44,100 for the Superior Court, Criminal Division, Probation Department, to lease additional office space. Councillor Dowden asked for consent to postpone Proposal No. 83, 1992 until April 6, 1992. Consent was given.

PROPOSAL NO. 85, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 85, 1992 on February 27, 1992. The proposal approves the issuance of City of Indianapolis Sanitary District Refunding Bonds of 1992 in an amount not to exceed \$25,000,000 in order to effect a savings to the Sanitary District. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 85, 1992 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

0 NAYS:

5 NOT VOTING: Dowden, Gilmer, Howard, Rhodes, Short

Councillors Rhodes and Short abstained to a potential conflict of interest.

Proposal No. 85, 1992 was retitled GENERAL RESOLUTION NO. 1, 1992 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 1992

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis Sanitary District Refunding Bonds of 1992" in an amount not to exceed Twenty-Five Million Dollars (\$25,000,000).

WHEREAS, the Sanitary District of the City of Indianapolis, Indiana (the "District") has issued its Sanitary District Bonds of 1984 dated September 1, 1984, in the original aggregate principal amount of \$27,050,000, which bonds are currently outstanding in the aggregate principal amount of \$19,725,000 (the "Outstanding Bonds"); and

March 16, 1992

WHEREAS, on February 24, 1992, the Board of Public Works of the City of Indianapolis, Indiana, being the governing body of the District, adopted a bond resolution authorizing the issuance of special taxing district bonds of the District to be designated as "City of Indianapolis Sanitary District Refunding Bonds of 1992", in an aggregate principal amount not to exceed Twenty-Five Million Dollars (\$25,000,000), for the purpose of advance refunding a portion of the Outstanding Bonds in order to effect a savings to the Sanitary District; and

WHEREAS, the Board of Public Works has requested the approval of the City-County Council of the issuance of said special taxing district refunding bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve the issuance of special taxing district bonds of the Sanitary District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis Sanitary District Refunding Bonds of 1992", in an aggregate principal amount not to exceed Twenty-Five Million Dollars (\$25,000,000).

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 24, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 24, 1992 on February 3 and February 11, 1992. The proposal approves a change in ownership of the cable television franchise now owned by American Cablevision of Indianapolis. On February 24, 1992 the Council voted to return the proposal to Committee. The Committee heard Proposal No. 24, 1992 on March 12, 1992. By a 4-2-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Howard, for adoption.

The President passed the gavel to Councillor West. President SerVaas stated that he will abstain from voting due to conflict of interest.

Councillor Gilmer stated that he will not support this proposal because it allows the transfer of ownership of the cable franchise to Time Warner Entertainment, which has two Japanese firms as limited partners. He read the following letter which he had sent to all the Councillors:

I want to follow-up on my testimony the other evening with a letter to each of you that in a more logical manner, will I hope, convince you that we should not approve Proposal No. 24, 1992, which will give a minority interest of American Cablevision to a Japanese company. This proposal is not about Glenn Howard's lemon Lincoln automobile. It is not about the sale of Japanese cars in the United States.

First of all, high industrial executives and government officials of Japan have little regard for our work ethic, our labor unions, our management and our people. As a matter of fact these people, prime ministers and presidents of prominent companies have called us lazy, our workers lazy and our management inept.

They are a monolithic society and we are a pluralistic society. They say our ethnicity is part of our problem. We believe our ethnicity is what makes this country great!

When anyone says, don't buy Japanese products, you are immediately called a protectionist, as I was called last Council evening by Mr. Satterfield of American Cablevision. Nothing could be further from the truth, but they can bash America constantly and that seems to be fine and no one including our President, our government officials, seems to object. All I am saying to you is don't vote for this until we all play by the same rules. We cannot lobby their government. It's against their law. Yet they spend \$400 million a year plus hiring ex-White House staff members, ex-Commerce staff members, ex-Congressmen, and their staff members, and many other departments of our governments to influence our laws that will allow them a completely free and open market while it's difficult to sell most any product in Japan.

Many markets are completely closed to American goods! Just take American rice for example. Not one grain is allowed to be imported, yet it sells on the world market seven times cheaper than Japanese rice!

Japan auto dealers cannot sell an American car along with their Japanese models. It's against their law. Can you imagine Ford Motor Company telling a Ford dealer in this country that you cannot sell a Honda, a Toyota or a Mazda and Ford also. They could say if you do that we will pull the Ford line. This dealer, and I'm sure it's probably happened, could take Ford Motor Company to court and win millions because that's "restraint of trade" in the United States and it is against our law. Japan has been dumping products in our many markets for years. It has been revealed that in the 1970's, [dumping] selling under cost was their secret to controlling the color television market in this country. Remember, Indianapolis used to be the world headquarters of RCA. RCA was a big factor in this city and now because of dumping there isn't one RCA plant left. The Japanese are now dumping auto vans in this country, selling under cost because that is one market that they have not dominated in this country.

You ask, how can this happen? It's because Washington people, representatives and senators are cautious in their criticism of the Japanese for fear of being labeled Japan bashers; thus losing future opportunities to make big money working for Japan.

Japan now can reach up to our presidency, remember President Reagan collected \$2 million for a 10-minute speech three years ago, or down to the grass roots level across this nation and influence political decisions that allow Japan to advance its national interest and win market share for its target industries.

Japan has unprecedented power in this country that can, right now, in effect veto U.S. legislation unfriendly to its interest, overwhelm any combination of American companies, unions or groups that oppose and shape those policies that decide which industries will grow or decline, which American jobs will remain or disappear.

You have an opportunity that has been granted by this Council, to say "NO" to Japan. I hope and pray for all these reasons that I have suggested, you will say "NO" and in some small way tell Japan we want the U.S. and Japan to play by the same rules. Don't allow American Cable to sell assets to a Japanese firm when American companies cannot buy like companies in Japan.

Most sincerely,
s/Gordon Gilmer
Gordon Gilmer
Councillor, District 1

Councillors Coughenour and Short said that they support Time-Warner's business decision to sell 12.5% interest in Time Warner Entertainment to two Japanese companies and will vote in favor of Proposal No. 24, 1992.

Councillor Beadling stated that she will abstain from voting due to a possible conflict of interest.

Councillor Howard said that he supports the proposal because he approves of foreign investment in America.

Proposal No. 24, 1992 was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Coughenour, Dowden, Franklin, Giffin, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, Shambaugh, Short, Smith, West, Williams
4 NAYS: Black, Curry, Gilmer, Ruhmkorff
3 NOT VOTING: Beadling, Brents, SerVaas

Councillor West returned the gavel to the President.

Councillor Coughenour asked for a clarification of the Council Rules concerning Councillors who abstain from voting while in the Council chambers.

March 16, 1992

The President asked the Parliamentarian for a clarification.

Robert Elrod, General Counsel and Parliamentarian, said that Section 151-52 states in part that all members present shall vote on all roll call votes except where permitted to abstain by a vote of a majority present after stating the reasons therefor.

The President said that the reason this rule is in the Council by-laws is that the purpose of this body is to make decisions, and sometimes there are some very unpopular votes that have to be made and for partisan reasons sometimes Councillors do not want to vote.

Proposal No. 24, 1992 was retitled SPECIAL RESOLUTION NO. 17, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 1992

A SPECIAL RESOLUTION approving a change in ownership of the cable television franchise now owned by American Cablevision of Indianapolis.

WHEREAS, American Cablevision of Indianapolis (the "Franchisee") is the holder of a cable television franchise (the "Franchise") for the City of Indianapolis, Indiana; and

WHEREAS, the Franchisee is a subsidiary of American Television and Communications Corporation ("ATC"); and

WHEREAS, ATC is a majority-owned subsidiary of Time Warner Inc. ("Time Warner"), a widely-held New York Stock Exchange company which has offered to purchase the shares in ATC which it does not own (The "ATC Minority Shares"); and

WHEREAS, Time Warner intends to create a new limited partnership entity comprised of the business and assets of its filmed entertainment, programming and cable divisions, which entity shall be known as Time Warner Entertainment Company, L.P. ("TWE"); and

WHEREAS, Time Warner will retain majority ownership, as well as operating and management control of TWE and will operate TWE as a controlled subsidiary of Time Warner employing the assets of ATC including the Franchise and the Franchisee, and the assets of Warner Cable, Lorimar Telepictures, HBO, and Warner Brothers; and

WHEREAS, Time Warner intends to offer minority limited partnership interests in TWE to strategic partners in TWE, including Toshiba Corporation and C. Itoh & Company Ltd.; and

WHEREAS, ATC will continue to exist as an operating division of TWE, with the existing management structure remaining at both the local and corporate levels and no change is anticipated in the manner in which the business and operations of the Franchisee are conducted; and

WHEREAS, the Franchisee will continue as an operating division of TWE and will continue to operate under the Franchise; and

WHEREAS, the Cable Franchise Board of the City of Indianapolis, Indiana, has consented to the transfer of the ATC Minority Shares to Time Warner and the transfer of the Franchise and the cable television system operating pursuant to the Franchise from the Franchisee to TWE (including any necessary transfers through one or more subsidiaries of Time Warner); now, therefore:

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

SECTION 1. The transfer of ownership of the Franchise from the Franchisee to TWE is hereby approved, subject to the transferee agreeing in writing to all the terms and conditions of the Franchise, as amended, and agreeing to the further terms set forth in Section 2 of this resolution.

SECTION 2. (a) TWE agrees that the provisions of Section 5.01 of the Franchise Contract of February 19, 1981 remain in full force and effect to the extent permitted by applicable law, including applicable Federal statute or regulation.

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(b) TWE agrees that no realignment or change of location of channels now assigned to public, educational or governmental access shall occur without consent of the City.

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

PROPOSAL NO. 54, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 54, 1992 on February 11 and March 12, 1992. The proposal approves a public purpose grant to Indiana University-Purdue University in the amount of \$75,000 for the purpose of financing educational access cable television programming. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Black, for adoption. Proposal No. 54, 1992 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Short, Smith, West, Williams

1 NAY: Ruhmkorff

2 NOT VOTING: Dowden, Schneider

Proposal No. 54, 1992 was retitled SPECIAL RESOLUTION NO. 18, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1992

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University-Purdue University at Indianapolis in the amount of \$75,000 for the purpose of financing educational access cable television programming.

WHEREAS, the Cable Franchise Board of the City of Indianapolis, Indiana ("Board") did, on April 11, 1991, adopt its Resolution No. 2, 1991, authorizing the making of a public purpose grant in the amount of \$75,000 to Indiana University-Purdue University at Indianapolis for the purpose of financing educational access programming over the educational access channels of the two franchised cable television systems within Marion County (the "Grant"); and

WHEREAS, Section 3.01(c) of City-County Fiscal Ordinance No. 95, 1990, Annual Budget and Tax Levies for The Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$75,000 to Indiana University-Purdue University at Indianapolis previously authorized by the Board is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

PROPOSAL NO. 81, 1992. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 81, 1992 on March 5, 1992. The proposal approves the leasing of certain real estate of the Department of Parks and Recreation. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor Jones, for adoption. Proposal No. 81, 1992 was adopted on the following roll call vote; viz:

March 16, 1992

26 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Borst, Dowden, Schneider*

Proposal No. 81, 1992 was retitled SPECIAL RESOLUTION NO. 19, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1992

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

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

SECTION 1. The City-County Council hereby approves, pursuant to IC 36-1-11-3 the lease of the following property by the Department of Parks and Recreation:

<u>Location</u>	<u>Appraised Value</u>	<u>Auction Bid Lease Value</u>
8251 Wilson Road	\$400.00 per month	\$415.00 per month

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

PROPOSAL NO. 84, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 84, 1992 on March 4, 1992. The proposal amends the Code by updating the county corrections fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 84, 1992 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Black, Hinkle, Schneider*

Proposal No. 84, 1992 was retitled GENERAL ORDINANCE NO. 19, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 1992

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Section 2-358, of Article IX, Chapter 2.

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

Section 1. Section 2-358 of Article IX, Chapter 2 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words stricken through as follows:

Sec. 2-358. County corrections fund.

(a) The city-county council hereby elects to receive deposits from the department of corrections in accordance with IC 11-12-6.

(b) The city-county council hereby elects to receive such deposits at level 3 funding. Level 3 funding shall be equal to \$3,500 times 84 (Marion County base integer) or \$294,000 for the year ending April 30, ~~1992~~ 1993.

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(c) There is hereby created a "county corrections fund", to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(d) The county corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities. Any money remaining in a county corrections fund at the end of the year does not revert to any other fund but remains in the county corrections fund.

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 has not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions can, without the invalid provision or provision, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 86, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 86, 1992 on February 27, 1992. The proposal, sponsored by Councillors Hinkle, Curry, Giffin and Golc, directs the Public Works Committee to study the Ben Davis Conservancy District. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 86, 1992 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Schneider

Proposal No. 86, 1992 was retitled COUNCIL RESOLUTION NO. 35, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 1992

A COUNCIL RESOLUTION directing the Public Works Committee to facilitate a study of the Ben Davis Conservancy District.

WHEREAS, sewer service is provided to a certain area of Marion County known as the Ben Davis Conservancy District; and

WHEREAS, the operating costs of that District have resulted in substantial increases in conservancy district tax rates; and

WHEREAS, the Indianapolis Sanitary District serves an area contiguous with the Conservancy District, and

WHEREAS, there is concern among many citizens of the Conservancy District whether such district is the most efficient, modern method of operating sewer services, now therefore:

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

March 16, 1992

SECTION 1. The Public Works Committee is directed to facilitate a study of the operation of the Ben Davis Conservancy District and the services it provides.

SECTION 2. The Committee should review the scope and costs of the services and taxes paid in the Conservancy District as compared to those paid in the adjoining Sanitary District.

SECTION 3. The Committee should consider whether the dissolution of the Conservancy District and the annexation of its territory into the Sanitary District would be in the best interest of the residents and taxpayers of the Conservancy District and the Sanitary District.

SECTION 4. The Committee is directed to report the progress of its investigation not later than June 1, 1992.

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

PROPOSAL NOS. 90 and 91, 1992. The President ruled that these two proposals would be voted on together. PROPOSAL NO. 90, 1992. The proposal amends the Regional Center Zoning Ordinance to exempt any lot located within any locally-designated historic preservation area from the requirements and approval procedures of the Regional Center Ordinance. PROPOSAL NO. 91, 1992. The proposal amends the Dwelling Districts Zoning Ordinance to provide for an exception to the D-8 district regulations affecting locally-designated historic preservation areas. Councillor Borst reported that the Metropolitan Development Committee heard Proposal Nos. 90 and 91, 1992 on March 9, 1992. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor Williams, for adoption. Proposal No. 90 and 91, 1992 were adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Schneider*

Proposal No. 90, 1992 was retitled GENERAL ORDINANCE NO. 20, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 1992

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 92-AO-2

A GENERAL ORDINANCE to amend the Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County which ordinance includes the Regional Center Zoning Ordinance, and fixing a time when the same shall take effect.

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

SECTION 1. The Regional Center Zoning Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-3, pursuant to IC 36-7-4, as amended, be further amended as follows:

A. That Chapter I, Section 1.00, A. of the Regional Center Zoning Ordinance be amended by deleting the stricken-through language and inserting the underscored language as follows:

All uses of land located within the Regional Center and North Meridian Street Corridor of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval as included within a required site and development plan approved as hereinafter provided. Provided, however, ~~the SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS shall be approved in accordance with Article XXIII, Chapter 17 of the Code of~~

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~~Indianapolis and Marion County, Indiana and shall not be subject to the provisions of this ordinance. (1) The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the City Controller in accordance with, Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana and shall not be subject to the provisions of this ordinance. (2) Any lot located within any locally-designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC), shall not be subject to the provisions of this ordinance.~~

SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

Proposal No. 91, 1992 was retitled GENERAL ORDINANCE NO. 21, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 1992

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 92-AO-3

AN ORDINANCE to amend the Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County which ordinance includes the Dwelling Districts Zoning Ordinance, and fixing a time when the same shall take effect.

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

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 89-AO-2, pursuant to IC 36-7-4, as amended, be further amended as follows:

A. That Section 2.12 (D-8 District Regulations) of the Dwelling District Zoning Ordinance be amended by adding a new subsection D. to Section 2.12, with the following provisions:

D. D-8 DISTRICT DEVELOPMENT STANDARDS EXCEPTIONS

Any lot located within a locally-designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC):

1. not fronting on a thoroughfare, as designated on the Official Thoroughfare Plan for Marion County, Indiana, shall be exempt from the provisions of Sections 2.12, B., 3, and 2.12, C., 3 of this ordinance regarding required minimum front, side and rear yard setbacks. The minimum required front, side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required front, side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.

2. fronting on a thoroughfare, as designated on the Official Thoroughfare Plan for Marion County, Indiana, shall be exempt from the provisions of Sections 2.12, B., 3, and 2.12, C., 3 of this ordinance regarding required minimum side and rear yard setbacks. The minimum required side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.

SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

March 16, 1992

NEW BUSINESS

The President introduced E. Mitchell Roob who gave a presentation on Mayor Stephen Goldsmith's Capital Planning Process for 1993, 1994 and 1995.

Councillor Borst asked that the 1992 Capital Planning Process be distributed to the Councillors. Mr. Roob replied that all the Councillors will receive such a copy.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:23 p.m.

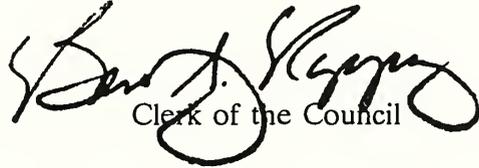
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 16th day of March, 1992.

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)