

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

**REGULAR MEETINGS  
MONDAY, JUNE 7, 1993**

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 7:15 p.m. on Monday, June 7, 1993, 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. Councillor Borst also asked the Council to pray for Councillor Elwood Black who is recovering from heart surgery.

**ROLL CALL**

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

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Golc introduced Bob Lawson, county-councilman from Terre Haute, Indiana. Councillor Short acknowledged the presence of State Senator Glenn Howard.

**OFFICIAL COMMUNICATIONS**

The President introduced Larry Lenkowsky, President and CEO of Hudson Institute, who presented an informational report on the institute.

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, June 7, 1993, 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

May 25, 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, May 27, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 290, 294, 295, 296 and 297, 1993, to be held on Monday, June 7, 1993, 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. 38, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Fifteen Thousand Three Hundred Dollars (\$115,300) in the Park General Fund for purposes of the Department of Parks & Recreation, Recreation and Special Facilities and Natural Resources and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 39, 1993, authorizing and approving the issuance and sale to The Indianapolis Local Public Improvement Bond Bank of the City of Indianapolis Park District Note, Series 1993A, in a principal amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000) for the purpose of procuring funds to pay the principal of and accrued interest on the City of Indianapolis Park District Note, Series 1991A, and appropriating the proceeds of a note of the Park District of the City in an amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000).

SPECIAL RESOLUTION NO. 32, 1993, condemning the actions of the local Black Panther Militia.

SPECIAL ORDINANCE NO. 4, 1993, authorizing the issuance of City of Indianapolis, Indiana Economic Development Health Care Facility Revenue Bond (Castleton Nursing Home Project) Series 1993 in the principal amount not to exceed \$2,500,000.

SPECIAL ORDINANCE NO. 5, 1993, reestablishing the Indianapolis Cumulative Capital Development Fund for the years 1994, 1995 and 1996.

June 7, 1993

SPECIAL ORDINANCE NO. 6, 1993, reestablishing the Marion County Cumulative Capital Development Fund for the years 1994, 1995 and 1996.

GENERAL ORDINANCE NO. 50, 1993, amending the Revised Code concerning the adjournment motions recognizing deceased persons.

GENERAL ORDINANCE NO. 51, 1993, amending the Code by authorizing a change in the speed limit for Crawfordsville Road from High School Road to Georgetown Road and for Shadeland Avenue from I-465 to 82nd Street (Districts 4,8,11).

GENERAL ORDINANCE NO. 52, 1993, amending the Code by authorizing a traffic signal at Clarendon Road and 38th Street (District 9).

GENERAL ORDINANCE NO. 53, 1993, amending the Code by authorizing multi-way stop signs at Illinois Street and 40th Street (District 6).

GENERAL ORDINANCE NO. 54, 1993, amending the Code by authorizing intersection controls for The Willows subdivision (District 1).

GENERAL ORDINANCE NO. 55, 1993, amending the Code by authorizing intersection controls for the Chatam Pointe subdivision (District 7).

GENERAL ORDINANCE NO. 56, 1993, amending the Code by authorizing intersection controls for various locations in the City of Lawrence.

GENERAL ORDINANCE NO. 57, 1993, amending the Code by authorizing intersection controls for the Meridian Park subdivision, section 1 (District 9).

GENERAL ORDINANCE NO. 58, 1993, amending the Code by authorizing intersection controls for the Grassey Creek subdivision (District 13).

GENERAL ORDINANCE NO. 59, 1993, amending the Code by authorizing intersection controls for the Cumberland Estates, Sections 1 and 2 (District 12,13).

GENERAL ORDINANCE NO. 60, 1993, amending the Code by authorizing intersection controls for the Bretton Wood subdivision (District 9).

GENERAL ORDINANCE NO. 61, 1993, amending the Code by authorizing intersection controls for the Decatur Commons subdivision (District 19).

GENERAL ORDINANCE NO. 62, 1993, amending the Code by authorizing intersection controls for the North by Northwest Business Park (District 1).

GENERAL ORDINANCE NO. 63, 1993, amending the Code by authorizing a multi-way stop at Astor Street and Reisner Street (District 17).

GENERAL ORDINANCE NO. 64, 1993, amending the Code by authorizing multi-way stops at the intersections of Camberwood Drive and Crickwood Drive, Camberwood Drive and Lanston Drive, and Crickwood Drive and Lippincott Way (District 2).

GENERAL ORDINANCE NO. 65, 1993, amending the Code by authorizing stop signs at the intersections of Muskingum Street and 10th Street, Muskingum Street and St. Clair Street, and Muskingum Street and Walnut Street (District 16, 22).

GENERAL ORDINANCE NO. 66, 1993, amending the Code by authorizing a change in intersection controls at Dearborn Street and Massachusetts Avenue (District 10).

### **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 May 24, 1993. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 343, 1993. This proposal, sponsored by Councillor Hinkle, recognizes retired teacher Mimis Antonopoulos. Councillor Hinkle read the resolution and presented a copy of the document to Mimis Antonopoulos, who expressed appreciation for the recognition. Members of Mr. Antonopoulos' family was also present. Councillor Hinkle moved, seconded by Councillor Giffin, for adoption. Proposal No. 343, 1993 was adopted by unanimous voice vote.

Proposal No. 343, 1993 was retitled SPECIAL RESOLUTION NO. 33, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 1993

A SPECIAL RESOLUTION recognizing retired teacher Mimis Antonopoulos.

WHEREAS, in 1950, young Mimis Antonopoulos arrived in Indianapolis from his native war-torn Greece with \$9.00 in his pocket and three English words in his vocabulary--"I love you."; and

WHEREAS, this hard working son of an anti-Communist policeman immediately pushed himself to learn 50 English words a day, and enrolled in what is now the University of Indianapolis; and

WHEREAS, after graduation, he was hired to teach English at Ben Davis High School only six years after coming to America; and

WHEREAS, during the next 37 years, Mr. Antonopoulos served as chairman of the social studies department for a quarter century, was a popular and effective teacher, attended nearly every function at the high school, and was voted Ben Davis' Teacher of the Year; and

WHEREAS, at the close of the 1992-93 school year Mr. Antonopoulos put down his chalk for the last time, boxed up his notes and lesson plans, and said farewell to his beloved Ben Davis High School; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends Mimis Antonopoulos for adapting so well in his new country, and for 37 years of giving so much of his heart and mind to generations of high school students at Ben Davis High School.

SECTION 2. Mr. Antonopoulos is a living chapter of Twentieth Century American History, an inspiration to all native-born and immigrant Americans, and a tribute to the teaching profession.

SECTION 3. May his retirement ceremony mark but another new beginning for this man who will never retire from active living.

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.

PROPOSAL NO. 344, 1993. This proposal, sponsored by Councillor Hinkle, recognizes retired teachers Larry and Carol Highbaugh. Councillor Hinkle read the resolution and presented a copy of the document to both Larry and Carol Highbaugh. Mr. Highbaugh expressed appreciation for the recognition. Members of the Highbaugh family were also present. Councillor Hinkle moved, seconded by Councillor West, for adoption. Proposal No. 344, 1993 was adopted by unanimous voice vote.

Proposal No. 344, 1993 was retitled SPECIAL RESOLUTION NO. 34, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1993

A SPECIAL RESOLUTION recognizing retired teachers Larry and Carol Highbaugh.

WHEREAS, Larry and Carol Highbaugh have retired as teachers in Wayne Township Schools after a combined 68 impressive years in education; and

WHEREAS, Larry Highbaugh directed technical theater and acting, and taught speech and debate at Ben Davis High School, was admitted to the National Forensic League Hall of Fame, the highest possible award for a speech and debate coach, is one of only 24 members of the National Forensic League to obtain a Fourth Diamond Degree, and has been honored with Indiana's Sagamore of the Wabash Award; and

WHEREAS, Carol Highbaugh has a special love for children and was a popular kindergarten and elementary school teacher in Wayne Township Schools since 1970, and has contributed countless hours, along with Larry, to the Youth For Understanding Exchange Program; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends Larry and Carol Highbaugh for their combined 68 years of exceptional skill and energy dedicated to teaching young people.

SECTION 2. May this new retirement status give them time to pursue other interests and enjoy the fruits of their labor.

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. 185, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 185, 1993 on May 25, 1993. The proposal appoints Deborah Long to the Metropolitan Board of Zoning Appeals Division II. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor West, for adoption. Proposal No. 185, 1993 was adopted by unanimous voice vote.

Proposal No. 185, 1993 was retitled COUNCIL RESOLUTION NO. 52, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 1993

A COUNCIL RESOLUTION appointing Deborah Long to the Metropolitan Board of Zoning Appeals Division II.

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 Metropolitan Board of Zoning Appeals Division II, the Council appoints:

Deborah Long

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 NOS. 300 and 301, 1993. The President ruled that both these board appointments would be voted on together. PROPOSAL NO. 300, 1993. The proposal

reappoints Brice A. Tressler to the Air Pollution Control Board. PROPOSAL NO. 301, 1993. The proposal appoints Bernie Paul to the Air Pollution Control Board. Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 300 and 301, 1993 on May 26, 1993. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor West, for adoption. Proposal Nos. 300 and 301, 1993 were adopted by unanimous voice vote.

Proposal No. 300, 1993 was retitled COUNCIL RESOLUTION NO. 53, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 1993

A COUNCIL RESOLUTION reappointing Brice A. Tressler to the Air Pollution 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 Air Pollution Control Board, the Council appoints:

Brice A. Tressler

SECTION 2. The appointment made by this resolution is for a term ending June 4, 1997. 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. 301, 1993 was retitled COUNCIL RESOLUTION NO. 54, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 1993

A COUNCIL RESOLUTION appointing Bernie Paul to the Air Pollution 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 Air Pollution Control Board, the Council appoints:

Bernie Paul

SECTION 2. The appointment made by this resolution is for a term ending June 4, 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.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 317, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving a public purpose grant in the amount of \$75,000 to Indiana University-Purdue University at Indianapolis for the purpose of financing educational access cable television programming;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 318, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE creating a Clerk's Record Perpetuation Fund;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 319, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE creating an Enhanced Access Fund and Board;" and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 320, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE consolidating the Commercial Special Exception Ordinance, the Adult Entertainment Business Ordinance and the Commercial Zoning Ordinance into one ordinance;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 321, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disbursement of \$878,000 of Community Development Block Grant Funds;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 322, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$135,000 for the Metropolitan Emergency Communication Agency to acquire and install TDD (Telecommunication Devices for the Deaf) equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 323, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$10,000 for the Superior Court, Juvenile Division/Detention Center, to cover the costs for a new roof, gutters and downspouts"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 324, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$10,000 for the Superior Court, Juvenile Division/Detention Center, to repair the boiler and to cover other renovation costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 325, 1993. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,500 for the Marion County Drug Court to purchase flags and additional supplies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 326, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$42,000 for Community Corrections to pay the salary of the executive director of Project Courage funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 327, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs in the Allison Pointe subdivision (District 3)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 328, 1993. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs at Park Avenue and 84th Street (District 2)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 329, 1993. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at the intersection of Fairway Drive, Steven Street and 72nd Street (District 2)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 330, 1993. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Washington Boulevard and 84th Street (District 2)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 331, 1993. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi way stop at the intersection of Bertha Street, Cloverleaf Court and Hardin Boulevard (District 18)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 332, 1993. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Mitthoefer Road and Prospect Street (District 13)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 333, 1993. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing the signal removal at the intersection of King Avenue and Michigan Street (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 334, 1993. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Johnson Avenue from Washington Street to Julian Street (District 13)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 335, 1993. Introduced by Councillors Moriarty and Short. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Prospect Street between Sherman Avenue and Keystone Avenue (Districts 15, 21)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 336, 1993. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing 90 degree parking for Indiana Avenue between North Street and New York Street (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 337, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting rush hour parking restrictions on the west side of College Avenue between Ohio



Street and Massachusetts Avenue (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 338, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing rush hour parking restrictions for Delaware Street on the westside from Fall Creek Parkway to 30th Street and for Washington Boulevard on the westside from Fall Creek Parkway to 30th Street (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 339, 1993. Introduced by Councillors Brents and Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting all trolley stops (Districts 16, 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 340, 1993. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing weight limit restrictions for Farley area (District 18)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 341, 1993. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing weight limit restrictions on Brill Street from Southern Avenue to Troy Avenue (District 20)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 342, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a loading zone for 1125 Brookside Avenue (District 22)"; and the President referred it to the Transportation Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 314, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 314, 1993 on June 2, 1993. The proposal approves the issuance of City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (MMM - Invest, Inc. Project) in an aggregate principal amount not to exceed \$2,145,000. This project is the Miller's Merry Manor, Inc., a nursing home located at 1700 North Illinois Street. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Mullin, for adoption. Proposal No. 314, 1993 was adopted on the following roll call vote; viz:

*22 YEAS: Beadling, Borst, Boyd, Coughenour, Curry, Dowden, Giffin, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

*0 NAYS:*

*6 NOT VOTING: Brents, Franklin, Gilmer, Golc, Moriarty, Williams*

*1 NOT PRESENT: Black*

Proposal No. 314, 1993 was retitled SPECIAL ORDINANCE NO. 7, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (MMM - Invest, Inc. Project)" in an aggregate principal amount not to exceed \$2,145,000 and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has considered a request concerning the proposed issuance of City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (MMM - Invest, Inc. Project) (the "Bonds") to refund and refinance the outstanding \$2,145,000 principal amount of the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1983 (Miller's Merry Manor, Inc. Project) (the "Prior Bonds") which Prior Bond proceeds were used to finance the Project (as defined in the Prior Bonds Loan Agreement); and

WHEREAS, the Commission, on June 2, 1993, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the refunding and refinancing complies with the purposes and provisions of Indiana Code 5-1-5, Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively, the "Act") and that such refunding and refinancing will be of benefit to the health and general welfare of the City of Indianapolis, Indiana (the "Issuer") and its citizens; and

WHEREAS, the Commission has approved the final forms of the Trust Indenture, Loan Agreement, Bond Placement Agreement, Preliminary Private Placement Memorandum, Remarketing Agreement and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the refunding and refinancing referred to in the Financing Documents consisting of the issuance of the Bonds to refund and refinance the outstanding principal amount of the Prior Bonds, as previously approved by the Commission and now presented to this City-County Council, will be of benefit to the health and general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents approved by the Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. Rule 15c2-12 (b) (1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Private Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Private Placement Memorandum is hereby authorized to certify to Bank One, Columbus, NA, (the "Placement Agent") that the information in the Preliminary Private Placement Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Private Placement Memorandum.

SECTION 4. The Issuer shall issue its Bonds in an aggregate principal amount not to exceed \$2,145,000 for the purpose of refunding and refinancing the outstanding \$2,145,000 principal amount of the Prior Bonds. The Bonds will be payable as to principle, premium, if any, and interest solely from the payments made by MMM - Invest, Inc. (the "Company") on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof through the Placement Agent at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest as set forth in the Financing Documents. The use of a Placement Memorandum in substantially the same form as the Preliminary Placement Memorandum approved herein is approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the city of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in this Ordinance and the Financing Documents pursuant to Indiana Code 36-7-12-27 (a) (1) through (a) (10).

SECTION 7. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 315 and 316, 1993. The President ruled that these two proposals would be voted on together. PROPOSAL NO. 315, 1993. The proposal amends S.R. No. 84, 1990, as amended, by extending the expiration date on the Inducement Resolution for Meadows Revival, Inc. through December 31, 1993. PROPOSAL NO. 316, 1993. The proposal amends S.R. No. 72, 1990, as amended, by extending the expiration date on Inducement Resolution for Homeward Partners, Inc. through December 31, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal Nos. 315 and 316, 1993 on June 2, 1993. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Giffin moved, seconded by Councillor Jones, for adoption. Proposal No. 315 and 316, 1993 were adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Giffin, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Franklin, Gilmer, Rhodes*

1 NOT PRESENT: *Black*

Proposal No. 315, 1993 was retitled SPECIAL RESOLUTION NO. 35, 1993 and reads as follows:

CITY COUNTY SPECIAL RESOLUTION NO. 35, 1993

A SPECIAL RESOLUTION amending City-County Special Resolution No. 84, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said

facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 84, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Meadows Revival, Inc. (the "Company") which Inducement Resolution set an expiration date of June 30, 1993 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of June 30, 1993 contained therein and replacing said date with the date of December 31, 1993.

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

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

Proposal No. 316, 1993 was retitled SPECIAL RESOLUTION NO. 36, 1993 and reads as follows:

CITY COUNTY SPECIAL RESOLUTION NO. 36, 1993

A SPECIAL RESOLUTION amending City-County Special Resolution No. 72, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 72, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Homeward Partners, Inc. (the "Company") which Inducement Resolution set an expiration date of June 30, 1993 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

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

WHEREAS, the Company intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended or any successor section thereof in connection with the Project and the Indiana Housing Finance Authority; now, therefore:

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

June 7, 1993

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of June 30, 1993 contained therein and replacing said date with the date of December 31, 1993.

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

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

PROPOSAL NOS. 345-347, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on June 3, 1993". The Council did not schedule Proposal Nos. 345-347, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 345-347, 1993 were retitled REZONING ORDINANCE NOS. 75-77, 1993 and are identified as follows:

REZONING ORDINANCE NO. 75, 1993. 93-Z-28 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 18.  
7040 WEST 10TH STREET (approximate address), INDIANAPOLIS.  
DONALD E. and ROBERTA SUE ARENS request the rezoning of 3.011 acres, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 76, 1993. 93-Z-45 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 03.  
4630 EAST 79TH STREET (approximate address), INDIANAPOLIS.  
OWEN M. CALVERT, by William F. LeMond, requests the rezoning of 2.572 acres, being in the D-A District, to the D-1 classification to provide for residential development.

REZONING ORDINANCE NO. 77, 1993. 93-Z-58 DECATUR TOWNSHIP.  
COUNCILMANIC DISTRICT # 19.  
3455 MANN ROAD (approximate address), INDIANAPOLIS.  
BLACK STONE GROUP, by Philip A. Nicely, requests the rezoning of 2.588 acres, being in the SU-1 District, to the C-4 classification to provide for the construction of a Walgreen drug store and the expansion of an existing gasoline station.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 196, 1993. The proposal appropriates \$21,851 for the Superior Court, Juvenile Division/Detention Center, to pay the salary of a truancy probation officer. Councillor Dowden asked for consent to postpone Proposal No. 196, 1993 until July 12, 1993. Consent was given.

PROPOSAL NO. 243, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 243, 1993 on May 25, 1993. The proposal transfers and appropriates \$15,500,378 for the Department of Metropolitan Development, Division of Neighborhood and Development Services, to comply with the Redevelopment Act which requires that monies given or paid for redevelopment purposes shall be credited to the redevelopment fund. 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 8:04 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 243, 1993 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Borst, Boyd, Brents, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

3 NOT VOTING: Coughenour, Franklin, Giffin

1 NOT PRESENT: Black

Proposal No. 243, 1993 was retitled FISCAL ORDINANCE NO. 40, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Fifteen Million Five Hundred Thousand Three Hundred Seventy-eight Dollars (\$15,500,378) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development, Neighborhood & Development Services Division and reducing certain other appropriations from the Metropolitan Development 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 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Neighborhood & Development Services Division to comply with the Redevelopment Act that requires that monies given or paid for redevelopment purposes shall be credited to the redevelopment fund. This transfer will result in no new appropriation.

SECTION 2. The sum of Fifteen Million Five Hundred Thousand Three Hundred Seventy-eight Dollars (\$15,500,378) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT NEIGHBORHOOD AND DEVELOPMENT SERVICES DIVISION</u>	<u>REDEVELOPMENT GENERAL FUND</u>
1. Personal Services	\$ 986,062
2. Supplies	17,658
3. Other Services and Charges	10,699,158
4. Capital Outlay	<u>3,797,500</u>
TOTAL INCREASE	\$15,500,378

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

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT NEIGHBORHOOD AND DEVELOPMENT SERVICES DIVISION</u>	<u>METROPOLITAN DEVELOPMENT GENERAL FUND</u>
1. Personal Services	\$ 986,062
2. Supplies	17,658
3. Other Services and Charges	10,699,158
4. Capital Outlay	<u>3,797,500</u>
TOTAL REDUCTION	\$15,500,378

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

PROPOSAL NO. 290, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 290, 1993 on June 1, 1993. The proposal appropriates \$1,840 for the County Commissioners to pay a speaker fee for the Marion County Parent Teachers Association. 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 8:06 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 290, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Beadling, Franklin, Schneider*

1 NOT PRESENT: *Black*

Proposal No. 290, 1993 was retitled FISCAL ORDINANCE NO. 41, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Thousand Eight Hundred Forty Dollars (\$1,840) in the Drug Free Community Fund for purposes of the County Commissioners and reducing the unappropriated and unencumbered balance in the Drug Free Community 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 1.02 (c) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of providing money for the Marion County Parent Teachers Association to bring in a guest speaker.

SECTION 2. The sum of One Thousand Eight Hundred Forty Dollars (\$1,840) 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 COMMISSIONERS</u>	<u>DRUG FREE COMMUNITY FUND</u>
3. Other Services and Charges	<u>\$1,840</u>
TOTAL INCREASE	\$1,840

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

	<u>DRUG FREE COMMUNITY FUND</u>
Unappropriated and Unencumbered	
Drug Free Community Fund	<u>\$1,840</u>
TOTAL REDUCTION	\$1,840

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

PROPOSAL NO. 294, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 294, 1993 on May 26, 1993. The proposal appropriates \$175,000 for the Sheriff to pay Riverside Community Corrections to house inmates during the months of April-July 1993. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 294, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Franklin*

1 NOT PRESENT: *Black*

Proposal No. 294, 1993 was retitled FISCAL ORDINANCE NO. 42, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Seventy-five Thousand Dollars (\$175,000) in the County General Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (z) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to pay for housing inmates at Riverside Community Corrections due to overcrowding of the Marion County Jail.

SECTION 2. The sum of One Hundred Seventy-five Thousand Dollars (\$175,000) 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>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$175,000</u>
TOTAL INCREASE	\$175,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>\$175,000</u>
TOTAL REDUCTION	\$175,000

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

PROPOSAL NO. 295, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 295, 1993 on May 26, 1993. The proposal reappropriates \$62,400 for the Prosecuting Attorney and repealing Fiscal Ordinance No. 29, 1993. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty, for adoption. Proposal No. 295, 1993 was adopted on the following roll call vote; viz:

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



0 NAYS:  
2 NOT VOTING: Franklin, Hinkle  
1 NOT PRESENT: Black

Proposal No. 295, 1993 was retitled FISCAL ORDINANCE NO. 43, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Sixty-two Thousand Four Hundred Dollars (\$62,400) in the Drug Free Community Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the Drug Free Community Fund, and repealing Fiscal Ordinance No. 29, 1993.

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 1.02 (w) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to hire a Deputy Prosecutor and Probation Officer to serve as part of a new comprehensive drunk driving program, which was incorrectly approved in Fiscal Ordinance No. 29, 1993.

SECTION 2. The sum of Sixty-two Thousand Four Hundred Dollars (\$62,400) 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>PROSECUTING ATTORNEY</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	\$52,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>10,400</u>
TOTAL INCREASE	\$62,400

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

	<u>DRUG FREE COMMUNITY FUND</u>
Unappropriated and Unencumbered	
Drug Free Community Fund	<u>\$62,400</u>
TOTAL REDUCTION	\$62,400

SECTION 5. City-County Fiscal Ordinance No. 29, 1993 is hereby repealed.

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

PROPOSAL NO. 296, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 296, 1993 on May 26, 1993. The proposal appropriates \$140,665 of Home Detention User Fees for Community Corrections to cover operating expenses for the 1993-1994 fiscal year. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:13 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 296, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Franklin*

1 NOT PRESENT: *Black*

Proposal No. 296, 1993 was retitled FISCAL ORDINANCE NO. 44, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Forty Thousand Six Hundred Sixty-five Dollars (\$140,665) in the Home Detention User Fee Fund for purposes of the Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee 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 1.02 (aa) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to fund personnel positions, purchase home detention equipment and pay for office supplies.

SECTION 2. The sum of One Hundred Forty Thousand Six Hundred Sixty-five Dollars (\$140,665) 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>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	\$ 74,874
2. Supplies	1,500
3. Other Services and Charges	4,000
4. Capital Outlay	48,000
 <u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>12,291</u>
TOTAL INCREASE	\$140,665

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>\$140,665</u>
TOTAL REDUCTION	\$140,665

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

PROPOSAL NO. 297, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 297, 1993 on May 26, 1993. The proposal appropriates \$746,385 for Community Corrections to utilize a state grant for fiscal year 1993-1994. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:15 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 297, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: *Black*

Proposal No. 297, 1993 was retitled FISCAL ORDINANCE NO. 45, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Seven Hundred Forty-six Thousand Three Hundred Eighty-five Dollars (\$746,385) in the State and Federal Grants Fund for purposes of the Community Corrections 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 1.02 (aa) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to appropriate state FY93-94 funds for continued operation of the Community Corrections Department.

SECTION 2. The sum of Seven Hundred Forty-six Thousand Three Hundred Eighty-five Dollars (\$746,385) 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>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	\$265,955
2. Supplies	20,000
3. Other Services and Charges	389,314
4. Capital Outlay	22,882
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>48,234</u>
TOTAL INCREASE	\$746,385

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$746,385</u>
TOTAL REDUCTION	\$746,385

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. 188, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 188, 1993 on May 25, 1993. The proposal, sponsored by Councillor McClamroch, amends the Central Business District Zoning Ordinance to permit "dwelling unit(s)" either as a single building/use or as a part of a building/use in the CBD-2

and CBD-3 Districts. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor McClamroch, for adoption. Proposal No. 188, 1993 was adopted on the following roll call vote; viz:

*27 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*  
*0 NAYS:*  
*1 NOT VOTING: Hinkle*  
*1 NOT PRESENT: Black*

Proposal No. 188, 1993 was retitled GENERAL ORDINANCE NO. 67, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 67, 1993  
Proposal No. 188, 1993

METROPOLITAN DEVELOPMENT COMMISSION  
Docket No. 93-AO-1

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

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Central Business Districts Zoning Ordinance for Marion County, Indiana, 64-AO-1, has been amended but has not been revised substantially in twenty-five years; and,

WHEREAS, in the time period since the original adoption of the Central Business District Zoning Ordinance for Marion County, Indiana, development patterns and consumer preferences within the downtown area have changed, with these changes not being reflected in the Central Business Districts Zoning Ordinance; and,

WHEREAS, the Regulatory Study Commission, after careful analysis, has recommended to the MDC and the City-County Council that residential live-work space within commercial areas and buildings is appropriate within certain portions of the Central Business District, specifically the CBD-2 and CBD-3 Districts; and,

WHEREAS, neighborhood and development groups have also encouraged residential live-work space, as well as a broader range of residential options within the Central Business District Two and Central Business District Three classifications; now, therefore:

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

SECTION 1. The Central Business Districts Zoning Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Numbers 64-AO-1 and 81-AO-4, as amended, pursuant to IC-36-7-4, be amended by deleting the stricken-through language and inserting the underlined language as follows:

Sec. 2.01. Central Business District One (CBD-1) regulations.

A. ~~Permitted CBD-1 uses. The following uses shall be p~~Permitted uses in the Central Business District One CBD-1 District. All uses in the Central Business District One shall conform to the CBD-1 Development Standards (section 2.01, B hereof) and CBD-2 Performance Standards (section 2.01, C hereof) regulations of Section 2.00, the CBD-1 Development Standards of Section 2.01, B and the CBD-1 Performance Standards of Section 2.01, C.

The following uses shall be permitted in the CBD-1 District:

10. Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.
- ~~18. SIGNS, (as primary or accessory uses), as regulated in section 2.04.~~
- ~~19~~18. Drive-in services (not including goods and food) shall be permitted in the CBD-1 District by special exceptions only upon issuance of a special exception permit therefor by the metropolitan board of zoning appeals as set forth in section 2.05. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)

B. *CBD-1 development standards.*

5. Signs: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.02. Central Business District Two regulations.

A. ~~Permitted CBD-2 uses. The following uses shall be p~~Permitted uses in the Central Business District Two CBD-2 District. All uses in the Central Business District Two shall conform to the CBD-2 Development Standards (section 2.02, B hereof) and CBD-2 Performance Standards (section 2.02, C hereof) regulations of Section 2.00, the CBD-2 Development Standards of Section 2.02, B and the CBD-2 Performance Standards of Section 2.02, C.

The following uses shall be permitted in the CBD-2 District:

- ~~1. RETAIL SALES AND SERVICE ESTABLISHMENTS.~~
- ~~2. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.~~
- ~~3. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.~~
- ~~4. APARTMENTS.~~
- ~~5. TRANSPORTATION FACILITIES and accessory facilities therefore including but not limited to waiting rooms, loading docks, storage and associated commercial uses.~~
- ~~6. BANKS, SAVINGS AND LOAN OFFICES.~~
- ~~7. THEATRES, AUDITORIUMS AND AMUSEMENT FACILITIES.~~
- ~~8. PUBLIC UTILITIES.~~
- ~~9. PRINTING ESTABLISHMENTS.~~
- ~~10. SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS.~~
- ~~11. SALES OF BEVERAGES, FLOWERS AND FOOD FROM A PORTION OF THE SIDEWALK ABUTTING THE SAME BUSINESS PREMISES.~~
- ~~12. WHOLESALING AND WAREHOUSING ESTABLISHMENTS.~~

~~13. PROCESSING, REPAIRING, OR MANUFACTURING GOODS BY RETAILERS AND WHOLESALEERS, provided:~~

- ~~a. the net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and,~~
- ~~b. in no case shall more than fifty (5) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.~~

~~(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)~~

~~14. PUBLIC AND SEMIPUBLIC STRUCTURE, PARKS AND OPEN SPACE.~~

~~15. OFF STREET PARKING GARAGES AND LOTS.~~

~~16. ACCESSORY OFF STREET PARKING WITHIN BUILDINGS.~~

~~17. SIGNS, (as primary or accessory uses), as regulated in section 2.04)~~

1. Attached multifamily dwellings, as defined in Sec. 2.06.
  2. Banks, savings and loan offices.
  3. Business, professional and consumer service offices.
  4. Dwelling unit(s), as defined in Sec. 2.06.
  5. Hotel, motel.
  6. Off-street parking garages and lots.
  7. Off-street parking (accessory) within buildings.
  8. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17, of the Code of Indianapolis and Marion County, Indiana.
  9. Printing establishments.
  10. Processing, repairing, or manufacturing goods by retailers and wholesalers, provided:
    - a. the net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and,
    - b. in no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.
- (In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
11. Public and semipublic structure, parks and open space.
  12. Public utilities.
  13. Retail sales and service establishments.
  14. Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises.

- 15. Theatres, auditoriums and amusement facilities.
- 16. Transportation facilities and accessory facilities therefore including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
- 17. Wholesaling and warehousing establishments.

B. CBD-2 development standards.

~~d. RETAIL SALES FROM CARTS ON SIDEWALKS AND PUBLIC AREAS~~

~~(1) Retail sales of beverages, flowers and food may be carried out from a cart on sidewalks and public areas provided:~~

~~(a) The cart is a wheeled device, not propelled by a motor, no larger than six (6) feet in length, three (3) feet in width and five (5) feet in height and constructed so an operator may not stand on or in the device.~~

~~(b) Permission is secured from the appropriate governmental units to use the right-of-way and public areas.~~

~~(c) The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator are approved by the Administrator of the Division of Planning and Zoning.~~

5. Signs: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.03. Central Business District Three (CBD-3) regulations.

A. Permitted CBD-3 uses. The following uses shall be permitted uses in the Central Business District Three CBD-3 District. All uses in the Central Business District Two shall conform to the CBD-3 Development Standards (section 2.03, B hereof) and CBD-3 Performance Standards (section 2.03, C hereof) regulations of Section 2.00, the CBD-3 Development Standards of Section 2.03, B and the CBD-3 Performance Standards of Section 2.03, C.

The following uses shall be permitted in the CBD-3 District:

~~1. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.~~

~~2. PUBLIC UTILITIES.~~

~~3. PRINTING ESTABLISHMENTS.~~

~~4. BANKS, SAVINGS AND LOAN OFFICES.~~

~~5. APARTMENTS.~~

~~6. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.~~

~~7. OFFICES, SALES AND DISPLAY ROOMS for wholesalers, distributors, warehousemen, manufacturers' agents, including stock, accessory storage, and/or warehouse space, provided:~~

~~a. said accessory stock, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and,~~

~~b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.~~

~~(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)~~

~~8. RETAIL SALES AND SERVICE ESTABLISHMENTS primary for the convenience of residents or employees of this district, provided:~~

~~a. such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and~~

~~b. such establishments shall include any of the following or similar uses of a like nature or character:~~

<del>barber shop</del>	<del>florist</del>
<del>beauty shop</del>	<del>book store</del>
<del>shoe repair shop</del>	<del>stationery store</del>
<del>cleaners and laundry outlet</del>	<del>bank, savings and loan office</del>
<del>drug store</del>	<del>ticket office</del>
<del>laundromat</del>	<del>jewelry store</del>
<del>grocery store</del>	<del>men's and women's wear</del>
<del>delicatessen</del>	<del>bar, cabaret, night club</del>
<del>restaurant</del>	<del>newsstand</del>
<del>gift shop</del>	<del>sales of beverages, flowers and food from carts</del>

~~9. OFF STREET PARKING GARAGE, PARKING LOTS, AND ACCESSORY OFF STREET PARKING WITHIN BUILDINGS, subject to the regulations of section 2.03, B 3.~~

~~10. PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS, AND OPEN SPACE.~~

~~11. SIGNS, (as primary or accessory uses), as regulated in section 2.04.~~

1. Attached multifamily dwellings, as defined in Sec.2.06.

2. Banks, savings and loan offices.

3. Business, professional and consumer service offices.

4. Dwelling units, as defined in Sec. 2.06.

5. Hotels, motels.

6. Off-street parking garage, parking lots, and accessory off-street parking within buildings, subject to the regulations of Sec. 2.03, B 3.

7. Offices, sales and display rooms for wholesalers, distributors, warehouse, manufacturers' agents, including stock, accessory storage, or warehouse space, provided:

a. said accessory stock, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and,

b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)

8. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.

9. Printing establishments.

10. Public utilities.



11. Retail sales and service establishments primary for the convenience of residents or employees of this district, provided:

- a. such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and
- b. such establishments shall include any of the following or similar uses of a like nature or character:

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| <u>bank, savings and loan office</u> | <u>jewelry store</u>               |
| <u>bar, cabaret, night club</u>      | <u>laundromat</u>                  |
| <u>barber shop</u>                   | <u>men's and women's wear</u>      |
| <u>beauty shop</u>                   | <u>newsstand</u>                   |
| <u>book store</u>                    | <u>restaurant</u>                  |
| <u>cleaners and laundry outlet</u>   | <u>sales of beverages, flowers</u> |
| <u>delicatessen</u>                  | <u>and food from carts</u>         |
| <u>drug store</u>                    | <u>shoe repair shop</u>            |
| <u>florist</u>                       | <u>stationery store</u>            |
| <u>gift shop</u>                     | <u>ticket office</u>               |
| <u>grocery store</u>                 |                                    |

12. Public and semipublic structures, parks, and open space.

B. CBD-3 development standards.

~~c. Retail sales of beverages, flowers and food may be carried out from a cart (a wheeled device, not propelled by a motor, not larger (exclusive of canopy) than six (6) feet in length, three (3) feet in width and five (5) feet in height, constructed so an operator may not stand on or in the device) on sidewalks and public areas, if permission is secured from the appropriate governmental units to use the right-of-way and public areas. The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator must be approved by the Administrator of the Division of Planning and Zoning.~~

5. Signs: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.04. Reserved Central Business District sign regulations.

~~Amended by 71-AO-4 SIGN REGULATIONS of Marion County, Indiana.~~

Sec. 206. Definitions.

The following definitions shall be applied for purposes of this ordinance:

- 1. Alley: A public way, the right-of-way of which is less than thirty-five (35) feet in width.
- 2. Attached multi-family dwellings: A building or buildings for residential purposes with three or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).
- 3. Dwelling unit: One or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.
- 4. Family: One or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

25. *Lot*: Any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy, by one (1) principal use.

36. *Net floor area*: The sum of the gross horizontal areas of the one or several floors and basements of the building or portions thereof devoted to permitted uses, not including, however, floor area devoted primarily to storage purposes; floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or floor area used for toilets, rest rooms, utilities, lounges, elevator shafts, main corridors and stairwells, or cafeterias for the use of employees only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.

47. *Signs*: ~~For sign definitions, see section 2.04, C, defining:~~

- Sign
- Advertising sign
- Business sign
- Incidental sign
- Sign surface
- Facing
- Sign structure
- Projecting sign

Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

58. *Sky exposure plane*: An imaginary sloping surface, consisting of three (3) types, rising over designated lots in the CBD-1 and CBD-2 [Districts], as specified in sections 2.01, B, 2, and 2.02, B, 2, for purposes of limiting height of buildings, signs and other structures:

(1) Sky Exposure Plane One:

- a. On each street in the CBD-1 [District] designated in section 2.01, B, 2, b, (1) (excepting Monument Circle), and in the CBD-2 [District] designated in section 2.02, B, 2, b, (1), the Sky Exposure Plane One shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of seventy-eight (78) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of three hundred (300) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(2) Sky Exposure Plane Two:

- a. On all streets in the CBD-2 [District] (excepting those streets specifically designated in section 2.02, B, 2, (1), the Sky Exposure Plane Two shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty (60) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of two hundred (200) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(3) Sky Exposure Plane Three:

- a. In the case of all lots abutting Monument Circle, in the CBD-1 [District], as designated in section 2.01, B, 2, b, (1), the Sky Exposure Plane Three shall have a base which is coincident with the center line of the street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty-seven and one-half (67½) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of one hundred eight (108) feet above the base; and
- e. Then continues at an angle of seventy-four (74) degrees measured from the horizontal; and
- f. Extends to a vertical elevation of one hundred fifty (150) feet above the base; and
- g. Then continues horizontally at an angle of zero (0) degrees measured from the horizontal; and
- h. Extends to the alleys known as Wabash, Scioto, Bird and Court streets.

69. *Street:* A public way, the right-of-way of which is at least thirty-five (35) feet in width.

710. *Total adjusted net floor area:*

(1) For determining required off-street loading:

a. To determine total adjusted net floor area:

- i. Total the net floor area devoted to each use within the building;
- ii. Multiply the total net floor area for each use by the loading floor area factor for such use, as specified in b below;
- iii. Add the results of 2 above;

this is the total adjusted net floor area.

b. Loading floor area factors:

- i. Retail sales and services-2.0;
- ii. Business, professional and consumer service, motels and motor hotels-1.0;
- iii. Manufacturing and wholesale (exclusive of office, sales and display area)-2.5;
- iv. Residential and apartment hotels-0.5.

(2) For determining required off-street parking:

a. To determine total adjusted net floor area:

- i. Total the net floor area devoted to each use within the building;
- ii. Multiply the total net floor area for each use by the parking floor area factor for such use, as specified in b below;
- iii. Add the results of 2 above;

this is the total adjusted net floor area.

b. Parking floor area factors:

- i. Retail sales and services-2.0;
- ii. Residential and apartment hotels-1.0;
- iii. Manufacturing-3.0;
- iv. Hotels and motor hotels-3.0;
- v. Business, professional and consumer service, and wholesale-1.0.

811. *Public Area:* Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.

SECTION 2. If any section provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance than 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.

PROPOSAL NO. 189 and 190, 1993. Councillor Borst asked for consent to vote on these two proposals together. Consent was given. PROPOSAL NO. 189, 1993. The proposal, sponsored by Councillor McClamroch, amends the Regional Center Zoning Ordinance to remove the replicative and redundant requirement of obtaining an Improvement Location Permit in order to ratify a change of use after Regional Center Approval has been granted. PROPOSAL NO. 190, 1993. The proposal, sponsored by Councillor McClamroch, amends the Improvement Location Permit Ordinance to remove the replicative and redundant requirement of obtaining an Improvement Location Permit in order to ratify a use after a variance of use has been granted by the Board of Zoning Appeals. Councillor Borst reported that the Metropolitan Development Committee heard Proposal Nos. 189 and 190, 1993 on May 25, 1993. By a 7-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor McClamroch, for adoption. Proposal Nos. 189 and 190, 1993 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT PRESENT: Black*

Proposal No. 189, 1993 was retitled GENERAL ORDINANCE NO. 68, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 1993  
Proposal No. 189, 1993

METROPOLITAN DEVELOPMENT COMMISSION  
Docket No. 93-AO-2

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

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Regional Center Zoning for Marion County, Indiana, 70-AO-3, has been amended but has not been substantially revised in over ten years; and,

WHEREAS, the Regulatory Study Commission, after careful analysis, has found that the provision requiring an Improvement Location Permit for a change of use is unnecessary, replicative, and overly burdensome; and,

June 7, 1993

WHEREAS, the Regulatory Study Commission has recommended to the MDC and the City-County Council that the requirement for an Improvement Location Permit for a change of use be removed from the Ordinance, now, therefore:

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 Numbers 70-AO-3, 70-AO-5, 81-AO-7 and 82-AO-3, 92-AO-2 as amended, pursuant to IC-36-7-4, be amended as follows:

That Chapter I, Section 1.00, B, be amended by deleting the crosshatched language as follows:

~~B. No use, improvement or structure shall be established, constructed, altered, refurbished, remodeled or used within the REGIONAL CENTER of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed use, site and development plan, including the proposed plans for such building, structure or improvement shall have been approved in accordance with Section 1.00A.~~

~~Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms. Applications for an Improvement Location Permit for used, buildings, improvement or structures approved in accordance with Section 1.00A, shall be filed within one (1) year of the grant of such approval, and the permit obtained — excepting, however, the Administrator of the Division of Planning and Zoning of the Metropolitan Development Department may upon good cause shown, grant extensions of such one-year period, not to exceed 180 days thereafter.~~

SECTION 2. If any section provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance than 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 full force and effect upon its adoption in compliance with IC 36-7-4.

Proposal No. 190, 1993 was retitled GENERAL ORDINANCE NO. 69, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 1993  
Proposal No. 190, 1993

METROPOLITAN DEVELOPMENT COMMISSION  
Docket No. 93-AO-3

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

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Improvement Location Permit Ordinance for Marion County, Indiana, 68-AO-11, has been amended but has not been revised substantially in over seventeen years; and,

WHEREAS, the Regulatory Study Commission, after careful analysis, has found the the provision requiring an Improvement Location Permit for a ratification of a variance of use is unnecessary, replicative, and overly burdensome; and,

WHEREAS, the Regulatory Study Commission has recommended to the MDC and the City-County Council that the requirement for an Improvement Location Permit for a ratification of a use variance be removed from the Ordinance, now, therefore:

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

SECTION 1. The Improvement Location Permit Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Numbers 68-AO-11, 71-AO-1, 75-AO-2 and 88-AO-1, as amended, pursuant to IC-36-7-4, be amended as follows:

That Section 1, B, 8, be amended by deleting the crosshatched language as follows:

~~8. VARIANCES; 1 YEAR REQUIREMENT FOR OBTAINING PERMIT~~

~~From and after the effective date of this ordinance, applications for Improvement Location Permit for structures or uses authorized by variance shall be filed within one (1) year of the grant of such variance, in accordance with the requirements of this ordinance excepting, however, the Administrator of the Division of Planning and Zoning of the Metropolitan Development Department may upon good cause shown, grant extensions of such one year period, not to exceed 180 days thereafter.~~

SECTION 2. If any section provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance than 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 full force and effect upon its adoption in compliance with IC 36-7-4.

PROPOSAL NO. 202, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 202, 1993 on May 26, 1993. The proposal amends the Code concerning air pollution control. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Beadling, for adoption.

Councillors O'Dell and Schneider both questioned the wisdom of passing these environmental regulations. Councillor Coughenour stated that the requirements contained in this ordinance are mandated by the Clean Air Act of 1990.

Proposal No. 202, 1993 was adopted on the following roll call vote; viz:

21 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, Short, West, Williams*  
5 NAYS: *O'Dell, Ruhmkorff, Schneider, Shambaugh, Smith*  
2 NOT VOTING: *Dowden, SerVaas*  
1 NOT PRESENT: *Black*

Councillor O'Dell asked for consent to explain his vote. Consent was given. Councillor O'Dell said that either there was no lengthy discussion of Proposal No. 202, 1993 at the Public Works Committee meeting or the minutes did not reflect that discussion; he therefore could not support this proposal at this time due to lack of information.

Proposal No. 202, 1993 was retitled GENERAL ORDINANCE NO. 70, 1993 and reads as follows:

June 7, 1993

CITY-COUNTY GENERAL ORDINANCE NO. 70, 1993

A GENERAL ORDINANCE amending Chapter 4 of the Code dealing with air pollution control to clarify authority to implement a federal Environmental Protection Agency approvable program as mandated by Title V of the Clean Air Act of 1990.

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

SECTION 1. Sec. 4-11 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-11. Definitions.

As used in this chapter and its regulations, the following terms shall have the meanings ascribed to them:

*Actual emissions* means the emissions which occurred over a specified period of time based upon emission monitoring, stack testing, emission factors, or other measures acceptable to the administrator.

*Administrator* means the assistant administrator of the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County or other designee of the director of the department of public works.

*Air contaminant* means any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution. Air contaminant shall include "regulated air pollutant" as defined in 40 C.F.R. §70.2.

*Air contaminant emitter* means any vehicle, process, facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated.

*Air pollution* means the presence or threatened discharge, from whatever source, of solid, semisolid, liquid or gaseous matter, or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

- (1) Injures or threatens to injure human, plant or animal life; or
- (2) Damages or threatens to damage property; or
- (3) Unreasonably interferes with the comfortable enjoyment of life and property.

*Allowable emissions* means the emissions rate calculated using the following factors:

- (1) The maximum rated capacity;
- (2) Year round operation (8,760 hours per year); and
- (3) The most stringent emission limit applicable under federal, state or local air pollution control laws.

*Allowable emissions* may be limited further if the facility or source is subject to enforceable permit conditions that limit the operating rate, hours of operation or emission rate.

*Ambient air* means any outside air.

*Asbestos abatement permit* means the written authorization that allows a person to remove asbestos materials and conduct asbestos abatement projects.

*Board* means the Indianapolis Air Pollution Control Board.

*Clean Air Act of 1990* means the Federal Clean Air Act (42 U.S.C. 7401 et seq.) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

*Construction permit* means the written authorization that allows a person to construct, reconstruct or modify an air contaminant emitter.

*Division* means the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County.

*Effective date* means the date on which an action takes effect. For permits issued pursuant to Article V of this chapter, the effective date is fifteen (15) days after the administrator signs and issues the permit. For all other actions, the effective date is when the person subject to the action receives written notice of the action.

*Emission credit permit* means the written authorization that allows a person to claim credit for emissions not released to the ambient air.

*Facility* means any one (1) structure, piece of equipment, installation operation that emits or is capable of emitting an air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for purposes of this chapter and its regulations.

*Major source* means a source with an emission rate of any one (1) air contaminant of at least one hundred (100) tons per year. Such emission rate shall be calculated using maximum operating capacity, year-round operation (8,760 hours per year, unless restricted by enforceable permit conditions) and the application of air pollution control equipment.

*Minor source* means a source with an emission rate of any one (1) air contaminant of at least twenty five (25) tons per year, but less than one hundred (100) tons per year. Such emission rate shall be calculated using maximum operating capacity, year-round operation (8,760 hours per year, unless restricted by enforceable permit conditions) and the application of air pollution control equipment.

*Open burning or open fire* means any burning of combustible matter where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

*Operating permit* means the written authorization that allows a person to operate an air contaminant emitter.

*Person* means any individual, proprietorship, partnership, firm, company, corporation, association, joint venture, trustee, estate, political or governmental unit or any other legal entity.

*Potential emissions* means the emission rate calculated using the following factors:

- (1) The maximum rated capacity;
- (2) The actual hours of operation; and
- (3) Operation without air pollution control equipment, unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to normal operation.

*Process* means any action, operation or treatment that emits or is capable of emitting an air contaminant.

*Regulation* means the whole or any part of a board statement of general applicability that:

- (1) Has or is designed to have the effect of law; and
- (2) Implements, interprets or prescribes:
  - a. Law or policy; or
  - b. The organization, procedure or practice requirements of the board or division.

*Source* means one (1) or an aggregation of processes or facilities that are located on one (1) or more contiguous or adjacent properties and are owned or operated by the same person, or by persons under common control.

*Wood products* means dry materials consisting of vegetation or wood which does not contain any other substance.

40 C.F.R. §70 shall mean 40 C.F.R. §70 as published in 57 Fed. Reg. 32,295 (July 21, 1992).



SECTION 2. Sec. 4-13 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-13. Public records; confidentiality of information.

All files, records and data of the board and the division shall be open to reasonable public inspection in accordance with applicable Indiana law. However, upon request by any person to the administrator and a showing satisfactory to the administrator by any person that the files, records and data (other than emissions data and the contents of a permit required by Title V of the Clean Air Act of 1990) contain information which would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the administrator shall maintain the confidentiality of the information. However, any information accorded confidential treatment under this section may be disclosed or transmitted to other officers, employees, or authorized representatives of the City of Indianapolis or Marion County, the State of Indiana or the United States concerned with carrying out or implementing this chapter or when relevant in any proceeding related to enforcement.

SECTION 3. Sec. 4-33 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-33. General powers of the administrator.

The administrator may:

(a) At any reasonable time, obtain data or other information about any air contaminant emitter, inspect any air contaminant emitter, enter the premises of any air contaminant emitter or examine and copy the records and documents pertaining to an air contaminant emitter for purposes of assessing air contaminant emissions, determining compliance with this chapter, ~~and its regulations~~ and any permit issued by the division or enforcing this chapter, ~~and its regulations~~ and any permit issued by the division. The administrator may apply to any judge of the municipal, circuit or superior courts of Marion County for ~~an administrative~~ search warrant. The application for the warrant shall state the location of the premises, the purpose for requesting inspection, entry or examination and the facts supporting the request for inspection, entry or examination;

(b) Require, when appropriate, the owner or operator of an air contaminant emitter to keep and submit to the division plans, drawings, specifications, reports and other records of information relating to air contaminant emissions, effectiveness of air pollution control equipment, or compliance with this chapter and its regulations;

(c) Use all necessary equipment to evaluate air contaminant emitters for compliance with this chapter and its regulations or to collect information about the emissions of an air contaminant emitter;

(d) Require, when appropriate, the owner or operator of an air contaminant emitter to perform reasonable tests or monitoring, including continuous emission monitoring, with the costs for the tests to be paid by the owner or operator;

(e) Enter into or recommend that the director of the department of public works enter into agreements necessary to administer and enforce this chapter and its regulations;

(f) Delegate responsibility and authority to an acting administrator as necessary, for a period not to exceed thirty (30) days.

SECTION 4. Sec. 4-50 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-50. Permit system.

(a) The board shall adopt regulations that create a permit system, and the division shall implement the permit system. The permit system shall contain two components:

(1) The permit system mandated by Title V of the Clean Air Act of 1990; and

(2) Other permits as required by state law or deemed by the board to be necessary to carry out the purposes of this chapter.

(b) That portion of the permit system mandated by Title V of the Clean Air Act of 1990 shall comply in all respects with that act and applicable federal regulations.

(c) The permit system shall include adequate, streamlined and reasonable procedures for expeditiously administering the system.

(d) At a minimum, the permit regulations shall perform the following functions:

- (1) Require permits in order to construct new facilities or sources;
- (2) Require permits in order to modify or reconstruct existing facilities or sources;
- (3) Require permits in order to operate facilities or sources;
- (4) Require permits for processes and other air contaminant emitters, including, but not limited to, air curtain incinerators, asbestos abatement projects and sandblasting;
- (5) Require permits for claiming emission credits or allowances and establish procedures and requirements for obtaining and using emission credits or allowances;
- (6) Establish minimum levels of emissions from a facility, source, process or other air contaminant emitter for which a permit and/or reporting is required;
- ~~(407) Establish causes for revoking permits; Establish fixed terms for permits which terms shall be as follows:~~
  - a. Five (5) years for permits required by Title IV of the Clean Air Act of 1990 (acid rain); and
  - b. Not to exceed five (5) years for all other permits.
- ~~(78) Establish the information necessary for complete permit applications and the procedures and time frames by which the applications' completeness shall be determined;~~
- ~~(8) Establish procedures for public comment periods and division review of the permit application, which may include providing an opportunity to discuss a draft permit before it is issued;~~
- (9) Establish procedures and time frames for division review of permit applications, including initial permit issuance, modifications or revisions and renewals;
- (10) Establish procedures and time frames for notice, public comment periods and public hearings, which procedures may include providing an opportunity to comment on the draft permit before it is issued. For permits required by Title V of the Clean Air Act of 1990, such procedures shall, as provided in 40 C.F.R. §70.7(h), require adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft permit, for initial permit issuance, significant modifications and renewals;
- (11) Require, when appropriate, ~~emission sources to maintain~~ reasonable tests and monitoring, including continuous emissions monitoring, and creation, submission to the division and retention of reports and records of tests, monitoring, production, maintenance or other matters relating to the quantity of emissions, the effectiveness of air pollution control equipment or compliance with this chapter and its regulations;
- (12) Provide, for permits required by Title V of the Clean Air Act of 1990, if the applicant has submitted a timely and complete application for an initial or renewal permit, but no final action has been taken on the application, the applicant's failure to have a permit is not a violation of this chapter or its regulations until after the division takes final action on the permit application.
- (13) Require, when necessary, that application forms, reports and compliance certifications shall contain certification by a responsible official of truth, accuracy and completeness.
- (14) For permits required by Title V of the Clean Air Act of 1990, allow issuance of a permit for a facility or source not in compliance with applicable requirements.

- (15) Require, when appropriate, submittal of a certified plan and schedule to attain and maintain compliance.
- (16) Require that no permit shall automatically issue, be renewed or modified because of failure of the division to take action on the application, or for any other reason.
- (17) Require that the division shall not issue a permit required by Title V of the Clean Air Act of 1990 if the Administrator of the United States Environmental Protection Agency makes a written objection within the time allowed under applicable federal law.
- (18) For permits required by Title V of the Clean Air Act of 1990, establish, consistent with the timing and other requirements of 40 C.F.R. §70.4(b)3, an opportunity for judicial review of final action on a permit, by the applicant, any person who participated in the public participation process and any other person entitled to judicial review of such action under state law. The opportunity for judicial review so provided shall be the exclusive means for obtaining judicial review of the terms and conditions of such permits.
- (19) For permits required by Title V of the Clean Air Act of 1990, and solely for purposes of obtaining judicial review to require that action be taken by the division on the application without additional delay, provide that failure of the division to act on an initial or renewal application, or modification or revision, within the time periods specified in the Clean Air Act of 1990 is a final action of the administrator appealable directly to a court of competent jurisdiction.
- (20) Establish ~~renewal procedures~~ transfer procedures and renewal procedures and, for permits required by Title V of the Clean Air Act of 1990, provide that permits being renewed are subject to the same procedural requirements that apply to initial permit issuance ~~expiration dates for permits~~;
- (21) Require that permits may be terminated, modified, or revoked and reissued for cause and establish causes for such actions.
- (22) Provide, for permits required by Title V of the Clean Air Act of 1990, if the permit holder has submitted a timely and complete application for renewal, but no final action has been taken on the application, all the terms and conditions of the permit, including any application shield granted by 4-50(d)(12), shall remain in effect until the renewal permit has been issued or denied.
- (23) Require that permits required by Title V of the Clean Air Act of 1990 shall be reopened and revised before expiration of the permit when the following conditions exist:
  - a. Additional federal requirements become applicable to a facility or source with a permit which allows at least three (3) more years of continued operation. However, a permit does not have to be revised if the additional requirements will not become effective until after the date the permit expires. A permit revision to address additional requirements must be completed by the division not more than eighteen (18) months after the adoption of the additional requirements; or
  - b. Additional requirements become applicable to the permit under the acid rain program. Upon approval by the United States Environmental Protection Agency, an excess emissions offset plan shall be considered to be incorporated into the permit; or
  - c. The division or the United States Environmental Protection Agency determines that:
    - 1. the permit contains a material mistake; or
    - 2. inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - d. The division or the administrator of the United States Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable federal requirements as defined in 40 C.F.R. §70.2.
- (24) Require that all permits shall contain a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.

- (25) Establish procedures for determining if information (other than the contents of a permit required by Title V of the Clean Air Act of 1990 or emissions data) maintained by the division, if made public, would divulge methods or processes entitled to protection as trade secrets and assuring security of information so determined to be entitled to confidentiality.
- (26) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing changes to be made without requiring a permit revision if the permit holder has been issued an operating permit or is operating without a permit but has made a timely and complete application for a permit and if:
- a. the changes are not modifications under any provision of Title I of the Clean Air Act of 1990;
  - b. the changes do not exceed emissions allowable under the permit, whether expressed as a rate of emissions or as total emissions; and
  - c. the permit holder provides the division with written notification at least seven (7) days before the proposed changes are made. However, the board, by regulation, may provide a different time period for notifications that involve emergency situations.
- ~~(227)~~ Require that all permits be consistent with all local, state and federal air pollution control laws and regulations;
- ~~(28)~~ Require that all permits not interfere with attainment of local, state or federal air quality standards.
- (e) The permit regulations may:
- (1) Establish procedures for general permits covering numerous sources as provided in 40 C.F.R. §70.6(d).
  - (2) Establish a limited "permit shield" from enforcement action as provided in 40 C.F.R. §70.6(f).
  - (3) Allow changes not addressed or prohibited by a permit required by Title V of the Clean Air Act of 1990, provided such changes are not subject to any requirements under Title IV or are not modifications under any provision of Title I of that act.
  - (4) Establish procedures for trading emission increases and decreases under certain circumstances as provided in 40 C.F.R. §70.4(b)(12)(ii).
  - (5) Perform any other function not specified in this subsection or subsection (d) if such function is reasonably necessary for efficient operation of the permit program or reasonably necessary to protect the public health or welfare or ensure compliance with local, state or federal air pollution control laws and regulations.

SECTION 5. Sec. 4-51 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-51. Permit conditions.

(a) The administrator may establish or modify permit conditions on any permit issued pursuant to this chapter and its regulations. The conditions may be imposed to ensure compliance with this chapter or with any regulation adopted by the board. Conditions may take the form of emission limits or technology requirements, including, but not limited to, maximum achievable control technology emission limits as provided in the Clean Air Act of 1990 and as determined on a case-by-case basis, testing and monitoring, including continuous emissions monitoring, reporting and recordkeeping requirements, operation and maintenance programs or any other requirement necessary to ensure compliance with air pollution control laws and regulations and to protect the public health or welfare.

(b) The administrator may impose permit conditions more stringent than regulations adopted by the board or when no such regulation applies only if:

- (I) The conditions are necessary to ensure compliance with local, state or federal air pollution control laws and regulations; or

- (2) The permit holder has violated local, state or federal air pollution control laws or regulations and the conditions are consistent with the terms of a compliance program agreement, agreed order, consent decree, court order or some other enforceable mechanism used to resolve the violations; or
- (3) The conditions are reasonably necessary to protect the public health or welfare.
- (c) The administrator may modify permit conditions at any time after permit has been issued only if:
  - (1) The administrator has consulted with the permit holder before modifying any permit conditions; and
  - (2) The administrator notifies the permit holder of the modification and the reasons for the modification in writing.
- ~~(d) A violation of a permit condition is a violation of this chapter and its regulations.~~

(ed) Permit conditions imposed by the administrator on permits not required by Title V of the Clean Air Act of 1990 may be appealed to the Board pursuant to section 4-80 of this chapter.

SECTION 6. Chapter 4 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by adding a new Section 4-51(A) with language as follows:

Sec. 4-51(A). Enforcement of permits, permit fees and the requirement to obtain a permit.

Failure to obtain a permit when required to do so, failure to pay a permit fee when due, violation of a permit or violation of permit conditions imposed by the administrator are violations of this chapter and its regulations for which the division may take enforcement action as specified in article VI of this chapter.

SECTION 7. Sec. 4-53 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-53. Payment; waivers and unpaid fees.

(a) Payment due. Application fees shall be paid at the time the application is submitted. Fees for construction permits or the initial issuance of an operating permit, emission credit permit or asbestos abatement permit shall be paid before the administrator issues the permit. Annual administrative fees shall be paid by January 31 of each year for all air contaminant emitters which have operating permits as of January 1 of each year. Notwithstanding the previous sentence, in calendar year 1993, annual administrative fees shall be paid by March 31, 1993 for all air contaminant emitters which have operating permits as of January 1, 1993.

(b) All permit fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Sec. 4-55.

(c) If a permit applicant or holder of a permit appears before the board and demonstrates that payment of applicable permit fees will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board.

(d) All permit fees established pursuant to this chapter and its regulations shall constitute a debt due to the consolidated city of Indianapolis and Marion County. Failure to pay permit fees when due is a violation of this chapter and its regulations for which the division may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay permit fees as required in this chapter.

SECTION 8. Sec. 4-54 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-54. Testing and monitoring fees.

- (a) Fees. The division shall collect a fee for reviewing testing and monitoring data and results.

- (1) The fee for each stack test conducted for the purpose of demonstrating compliance with this chapter, any regulation adopted by the Board or any permit issued by the division shall be seven hundred dollars (\$700.00).
- (2) The fee for continuous emission monitor(s) required by this chapter, any regulation adopted by the Board or any permit issued by the division shall be two hundred dollars (\$200.00) per facility.
- (3) The fee for air quality monitoring network(s) required by this chapter, any regulation adopted by the Board or any permit issued by the division shall be one thousand four hundred dollars (\$1,400.00) per source.

(b) Payment due. Stack test fees shall be paid upon submission of stack results to the division. Continuous emission monitor fees and air quality monitoring network fees shall be paid by January 31 of each year.

(c) All testing and monitoring fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.

(d) If a person appears before the board and demonstrates that payment of applicable testing and monitoring fees will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board.

(e) All testing and monitoring fees established pursuant to this chapter and its regulations shall constitute a debt due to the consolidated city of Indianapolis and Marion County. Failure to pay testing and monitoring fees when due is a violation of this chapter and its regulations for which the division may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay testing and monitoring fees as required by this chapter.

SECTION 9. Sec. 4-62 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-62. Civil enforcement.

(a) The administrator may initiate a civil action to assess and recover civil penalties and/or for a temporary or permanent injunction whenever:

- (1) A person violates the terms of an order issued pursuant to sections 4-61, 4-65, or 4-67 of this chapter; or
- (2) The administrator has issued a notice of violation to a person and:
  - a. The person is an owner or operator of a major source in violation of a provision of a state implementation plan approved by the United States Environmental Protection Agency; or
  - b. The person is an owner or operator of a facility or source in violation of a permit issued in accordance with Title V, Title IV, or Parts C or D of Subchapter Title I of the Clean Air Act of 1990, 42 U.S.C.A. Section 7401, et. seq.; or
  - c. The person is an owner or operator of a stationary source in violation of a provision of new source performance standards or national emission standards for hazardous air pollutants, as adopted by the board; or
  - d. The person has violated a provision of regulations adopted by the board governing asbestos abatement or motor vehicle tampering; or
  - e. The person has engaged in an activity without a necessary permit issued by the division; or
  - f. The administrator determines that the violation substantially impairs public health or welfare.

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(b) The administrator shall initiate civil enforcement by submitting a written request to the corporation counsel to file a complaint of ordinance violation and/or to seek an injunction. The administrator shall send notice of the written request to the person subject to the action.

SECTION 10. Sec. 4-67 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-67. Emergency enforcement procedures.

(a) Notwithstanding any other provision of this chapter or its regulations, if the administrator determines that emissions from an air contaminant emitter are presenting imminent and substantial danger to the public health ~~and safety or welfare, or to the environment~~, the administrator may order an immediate reduction or cessation of the emissions or other actions necessary to abate the hazard. Such order shall be effective for not more than forty-eight (48) hours, unless affirmed pursuant to paragraph (b) of this section. A violation of the order shall be a violation of this chapter and its regulations.

(b) The administrator shall request the corporation counsel to initiate a civil action to affirm the administrator's order and to abate the hazard.

(c) Nothing in this section limits any power which the mayor or any other official may have to declare an emergency and act on the basis of such declaration.

(d) Nothing in this section precludes civil or criminal enforcement against the owner or operator of the air contaminant emitter for violations of any applicable law.

(e) Notwithstanding any other provision of this chapter or its regulations, the administrator may request the corporation counsel to initiate other civil actions authorized by Indiana law, including, but not limited to, injunctive relief.

SECTION 11. Sec. 4-80 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-80. Appeals of administrative actions.

(a) Right of appeal. Any person affected by an ~~appealable~~ action of the administrator defined by paragraph (b) of this section as an action appealable to the board, may appeal to the board for relief from the action. An appeal to the board is a prerequisite to judicial review for all actions defined by paragraph (b) as actions appealable to the board. Judicial review may be sought directly from actions of the administrator defined by paragraph (c) as actions not appealable to the board.

(b) ~~Appealable~~ Actions appealable to the board. Any action of the administrator, except actions described in paragraph (c) as provided in subparagraphs (1) and (2) of this paragraph, may be appealed to the board.

(c) Actions not appealable to the board.

The following actions of the administrator are actions not appealable to the board:

(1) An emergency order issued pursuant to section 4-67 of this chapter is an action not appealable ~~may not be appealed~~ to the board.

(2) For a notice of violation (issued pursuant to section 4-60 of this chapter) which is referred to the corporation counsel for civil enforcement (pursuant to section 4-62 of this chapter), a person may appeal to the board only for an interpretation of the regulation, permit or order allegedly violated.

(3) Pursuant to section 4-50(d)(19), for permits required by Title V of the Clean Air Act of 1990, failure of the division to act on an initial or renewal application, or modification or revision, within the time periods specified in that act is an action not appealable to the board.

(c) Procedures for making an appeal.

- (1) Within fifteen (15) days of the effective date of the administrator's action, the appellant shall submit to the administrator a written request to appeal to the board. The request shall be addressed to the board and shall state the basis for the appeal and the relief desired.
- (2) At the time of filing, the appellant shall post a fee of twenty-five dollars (\$25.00) to cover the administrative cost of the hearing. The fee shall be refunded only if the appeal is sustained. The board may waive the fee upon a showing of economic hardship.
- (3) Submitting a request to appeal stays the administrator's action until the board renders a final decision on the appeal.
- (d) Hearing.
  - (1) No later than fifteen (15) days after the request to appeal is filed, the administrator shall schedule a hearing before the board. The hearing shall be not later than sixty (60) days after the request to appeal is filed, unless the board grants a continuance. The administrator shall notify the appellant of the hearing date in writing.
  - (2) At the hearing the parties to the appeal may present evidence and cross-examine witnesses. The board may establish time limits and procedures for presenting evidence, cross-examination and argument. The appellant has the burden of proving that the administrator's action should be modified or reversed. Upon hearing the evidence presented, and no later than sixty (60) days after the hearing is concluded, the board shall affirm, modify or reverse the administrator's action. The board may order either party to act in accordance with its decision.
- (e) Effect of the board's decision. The decision of the board shall be binding on the parties unless reversed or otherwise modified by a court of competent jurisdiction.

SECTION 12. (a) The expressed or implied repeal or amendment by this ordinance or any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 13. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 236, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 236, 1993 on May 26, 1993. The proposal rejects amendments to Regulation XIII Asbestos Abatement, adopted April 8, 1993. By a 7-0 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. 236, 1993, as amended, was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT PRESENT: Black*



June 7, 1993

Proposal No. 236, 1993, as amended, was retitled COUNCIL RESOLUTION NO. 55, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 1993

A COUNCIL RESOLUTION rejecting amendments to Air Pollution Control Board Regulations XIII as adopted April 8, 1993

WHEREAS, on April 8, 1993 the Air Pollution Control Board adopted certain amendments to its Regulations XIII - Asbestos Abatements; and

WHEREAS, Section 4.41 of the Code of Indianapolis and Marion County establishes procedures with respect to promulgation of regulations by the Air Pollution Control Board, including rejection by the City-County Council; and

WHEREAS, the passage of this proposal is merely to facilitate a reconsideration of the April 8, 1993 amendments and does not represent the attitude of the Council toward substantive content; now therefore:

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

SECTION 1. Pursuant to Section 4.41(10) of the Code of Indianapolis and Marion County, the City-County Council hereby rejects those amendments to its Regulation XIII - Asbestos Abatement adopted April 8, 1993.

SECTION 2. This resolution shall be in full force and effect upon adoption.

PROPOSAL NO. 287, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 287, 1993 on June 1, 1993. The proposal amends the Code by adding a new Section 23-13 concerning an early retirement benefit program. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor O'Dell, for adoption. Proposal No. 287, 1993, as amended, was adopted on the following roll call vote; viz:

*20 YEAS: Beadling, Boyd, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, West*

*0 NAYS:*

*8 NOT VOTING: Borst, Franklin, Gray, Jones, Ruhmkorff, Schneider, Short, Williams*

*1 NOT PRESENT: Black*

Proposal No. 287, 1993, as amended, was retitled GENERAL ORDINANCE NO. 71, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71 1993

A GENERAL ORDINANCE adding a new Section 23-13 to the Code of Indianapolis and Marion County.

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

SECTION 1. A new section 13 is hereby added to Article I of Chapter 23 of the Code of Indianapolis and Marion County:

Sec. 23-13. Early Retirement.

(a) Effective as of June 30, 1993, the City may make an early retirement program available to City employees who are in positions covered by the Master Agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62 as follows:

(1) The program shall be available to covered employees who are eligible for retirement benefits under the Public Employees' Retirement Fund.

- (2) The following schedule of benefits shall apply to employees who elect to take early retirement:
    - (i) For employees who have completed at least 10 years but less than 15 years of continuous service with the City: \$1500.00.
    - (ii) For employees who have completed at least 15 years but less than 20 years of continuous service with the City: \$3000.00.
    - (iii) For employees who have completed 20 or more years of continuous service with the City: \$5200.00.
  - (3) Employees who elect to participate in the program may choose to have the benefit paid in a lump sum upon retirement, or may have the amount of the benefit applied to the purchase of continued health insurance under the City's health insurance plan, pursuant to state and federal law. The selection between these options must be made at least thirty (30) calendar days prior to retirement.
  - (4) Employees who choose to apply the benefit to the purchase of health insurance may do so under rules established by the Office of the Controller.
  - (5) The City may, at its option, elect to make this program available from time to time. However, the City shall make the program available at least once in calendar year 1993 and once in calendar year 1994. The program may be made available on an unlimited basis or for a limited number of covered employees. The program may be made available citywide or on a departmental basis.
- (b) The program authorized by this Section shall expire upon the expiration of the 1993-1994 Master Agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62.

SECTION 2. The expressed or implied repeal or amendment by this ordinance or 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 the 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.

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 shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 288, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 288, 1993 on June 1, 1993. The proposal establishes procedures for accounting and appropriations of revenues from the law enforcement education program fee. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 288, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Borst, Williams*

*1 NOT PRESENT: Black*

June 7, 1993

Proposal No. 288, 1993 was retitled GENERAL ORDINANCE NO. 72, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 72, 1993

A GENERAL ORDINANCE establishing procedures for accounting and appropriations of revenues from the law enforcement continuing education program fee.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended by adding a new Article IV in Chapter I35 to read as follows:

ARTICLE IV. LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM FEE.

Sec. I35-701. Receipts. Amounts collected by the county clerk as the law enforcement continuing education program fee shall be paid to the county auditor for deposit in the County User Fee Fund.

Sec. I35-702. Distributions. Upon receipt of claims submitted to the council by filing with the county auditor by a law enforcement agency entitled to such funds under IC 5-2-8, the county auditor shall verify the amounts of such claims. Upon verification by the county auditor, the amounts shall be deemed appropriated to the respective law enforcement agencies and distributed to the respective law enforcement agencies in accordance with IC 5-2-8.

Sec. I35-703. Appropriations. Amounts distributed pursuant to Sec. I35-702 to a law enforcement agency whose budget and expenditures are subject to appropriations by the city-county council shall not expend such receipts except pursuant to appropriations regularly made by the city-county council.

SECTION 2. This ordinance is intended to codify the procedures currently in effect, and is intended to verify those procedures with respect to actions taken prior to the adoption of this ordinance which shall be in full force and effect from and after adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 289, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 289, 1993 on June 1, 1993. The proposal transfers and appropriates \$11,210 for the Washington Township Assessor to cover supply and computer equipment expenses. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor McClamroch, for adoption. Proposal No. 289, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Beadling, Short*

*1 NOT PRESENT: Black*

Proposal No. 289, 1993 was retitled FISCAL ORDINANCE NO. 46, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Eleven Thousand Two Hundred Ten Dollars (\$11,210) in the Property Reassessment Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that office.

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 I.02 (u) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Washington Township Assessor to transfer funds to the appropriate account in order to finalize supply and connecting computers between the main office and assessment field office.

SECTION 2. The sum of Eleven Thousand Two Hundred Ten Dollars (\$11,210) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	\$ 2,555
4. Capital Outlay	<u>8,655</u>
TOTAL INCREASE	\$11,210

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

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
3. Other Services and Charges	<u>\$11,210</u>
TOTAL REDUCTION	\$11,210

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

PROPOSAL NO. 291, 1993. Councillor Ruhmkorff reported that the Community Affairs Committee heard Proposal No. 291, 1993 on June 2, 1993. The proposal, sponsored by Councillors Coughenour and Brents, concerns the availability of mental health services. Councillor Coughenour read the resolution at the request of Councillor Ruhmkorff. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Coughenour, for adoption.

Councillor Brents stated that Governor Evan Bayh has ordered the Central State Hospital closed by June 1994. This proposal requests that adequate funding and appropriate community-based services be available to provide a full continuum of care for the Central State patients.

Councillor Williams stated that she would like to study the State plan regarding the transfer of Central State patients to community-based facilities; she suggested that Proposal No. 291, 1993 be postponed.

Councillor Coughenour said that this proposal does not contain specific recommendations, therefore she does not believe there is a need to postpone it.

Councillors McClamroch and Rhodes both voiced their opposition to postponing this proposal and stated that placement of Central State patients is the responsibility of the State, not local government.

Proposal No. 291, 1993 was adopted on the following roll call vote; viz:

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

June 7, 1993

0 NAYS:  
1 NOT VOTING: Jimison  
1 NOT PRESENT: Black

Proposal No. 291, 1993 was retitled SPECIAL RESOLUTION NO. 37, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 1993

A SPECIAL RESOLUTION regarding the availability of mental health services.

WHEREAS, the state of Indiana has responsibility for the care of persons with mental illness who do not have the means to care for themselves; and

WHEREAS, the Governor of the state of Indiana has directed the closure of Central State Hospital and a statewide restructuring of the mental health system; and

WHEREAS, Central State Hospital has played an important role in the Indianapolis community as the state hospital designated to care for persons with mental illness; and

WHEREAS, there is currently a need for more adequate and appropriate community-based services for persons who suffer mental illness, including inpatient and residential care; and

WHEREAS, adequate funding to develop additional community-based programs must be available to bridge the gaps left by the potential closing of Central State Hospital and/or other restructuring initiatives; and

WHEREAS, in many states many mentally ill people who were formerly in hospitals have been left to take care of themselves and have swelled the ranks of the homeless; and

WHEREAS, the Indianapolis community must have assurances if the hospital is closed that there will be adequate care for both Central State Hospital residents who will remain in the community and all persons needing community-based mental health services in the future; 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 requests that if the state of Indiana seeks to close Central State Hospital and restructure its mental health system statewide, that adequate and appropriate community-based services be available to provide a full continuum of care, including adequate levels of inpatient and residential care.

SECTION 2. The Council requests that adequate state funding be allocated to fully develop and maintain such a continuum of care, and, specifically, that the dollars currently spent on care at Central State Hospital will follow each resident if the facility is closed.

SECTION 3. The Council requests that the Governor and the Indiana General Assembly enact assurances that:

- (a) no Central State Hospital resident will be discharged until a system is in place with individual discharge planning and service linkages for each resident, and
- (b) an adequately funded, full continuum of care will be developed in Indiana for all persons needing mental health services in the future.

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

PROPOSAL NO. 292, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 292, 1993 on May 25, 1993. The proposal amends the Code regarding the noise caused by the construction or repair of buildings. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 292, 1993 was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

6 NOT VOTING: *Beadling, Brents, Gray, Ruhmkorff, Schneider, Smith*

1 NOT PRESENT: *Black*

Proposal No. 292, 1993 was retitled GENERAL ORDINANCE NO. 73, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 73, 1993

A GENERAL ORDINANCE amending Sec. 18-2 of the Code, regarding noise caused by the construction or repair of buildings.

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

SECTION 1. Sec. 18-2 of the Code of Indianapolis and Marion County, Indiana, are hereby amended by deleting the stricken-through text and by inserting the underlined text to read as follows:

Sec. 18-2. Unlawful noises.

(a) Except as otherwise provided in this section, it shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the city. Accordingly, the following acts, among others, are declared to be loud, disturbing and unnecessary noises and in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device which traffic is for any reason held up, or in any parade, or in any group of vehicles.
- (2) *Radios and Phonographs.* Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto, except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.
- (3) *Loudspeakers, amplifiers for advertising.* Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound at any place upon the public streets or in any vehicle used for the transportation of persons for hire as a common carrier, for the purpose of commercial or other kind of advertising or attracting the attention of the public to any activity or building or structure, which is so used as to disturb and annoy other persons in their businesses, homes or elsewhere in their right of personal privacy and quiet.
- (4) *Yelling or shouting.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

- (5) *Animals or birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of the proper city authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, internal-combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle or other kind of vehicle so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates and containers.
- (10) *Construction or repairing of buildings.* The erection, ~~excavating for~~ demolition, alteration or repair of any building, or the excavation therefor, other than between the hours of 7:00 a.m. and 6:00 p.m. on ~~weekdays~~ Monday through Saturday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the division of neighborhood and development services of the department of metropolitan development buildings which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues. If the division of neighborhood and development services buildings should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefor, or of any streets and highways, between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, and that loss or inconvenience would result to any party in interest, it may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, upon application being made at the time the permit for the work is issued or during the progress of the work.
- (11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in use, or adjacent to any hospital which unreasonably interferes with the operation thereof or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that the same has been declared and is a school, hospital or other such quiet zone.
- (12) *Hawkers and peddlers.* The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (13) *Drums.* The use of any drum, horn or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale; except in a parade or place for which a permit has been granted.
- (14) *Transporting metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along the streets and other public places of the city, upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) *Railway cars, buses.* Causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a bus or railway car by reason of defective conditions therein or of its tracks.
- (16) *Pile drivers, hammers.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility.
- (17) *Blowers.* The operation of any noise-creating blower or power fan, or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.

- (18) *Vendor's vehicle.* Using, operating or playing, or permitting to be used, operated or played, any bell, radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any goods, wares or merchandise in or upon any of the streets or highways within the city, which sound-producing instruments are set to produce any noise, music or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use and operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m. of the succeeding day; or the use or operation of any sound-producing equipment in or upon any such vehicle while the vehicle is moving along or upon any street or highway; it being the intent and purpose of this subsection to permit the use of such sound-producing equipment in or upon any such vehicle only when the vehicle is parked or standing still in or upon any street or highway and during the hours provided in this subsection.
- (19) *Portable radios in public conveyances.* The audible using, operating or playing, or permitting to be used, operated or played, any radio, musical instrument or electronic recording device of any kind or character whatever in any public conveyance, except taxicabs and jitneys, operating in the city; provided, however, it shall not be unlawful to listen to any such device by means of earplugs inserted in the hearer's ear and inaudible to any other person.

(b) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Revised Code of the Consolidated City and County. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in Sec. 1-8 of the Code of Indianapolis and Marion County, Indiana.

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

PROPOSAL NO. 293, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 293, 1993 on May 25, 1993. The proposal approves the disbursement of a portion of the Community Development Block Grant Funds. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst moved, seconded by Councillor McClamroch, for adoption. Proposal No. 293, 1993, as amended, was adopted on the following roll call vote; viz:

*21 YEAS: Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Smith, West, Williams*

*0 NAYS:*

*7 NOT VOTING: Beadling, Dowden, Gilmer, Golc, Rhodes, Schneider, Short*

*1 NOT PRESENT: Black*

Proposal No. 293, 1993, as amended, was retitled SPECIAL RESOLUTION NO. 38, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 1993

A SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 21, 1992, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 57, 1992, 1993 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 of the Budget Ordinance, as approved by the Council, reads as follows:

SECTION 4.01. State, local and federal grants.



June 7, 1993

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulation in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purposes grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a program for housing revitalization and economic development, utilizing Community Development Grant Funds to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operations of each of the projects submitted by the Department of Metropolitan Development, 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. That portion of the Community Development Committee's Recommendations for distribution of certain Community Development Block Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01 of the Budget Ordinance.

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

EXHIBIT A

1993 COMMUNITY DEVELOPMENT BLOCK GRANT  
COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS

Community Action of Greater Indianapolis	\$250,000
Projects will provide emergency repair services to approximately 40 homeowners in Marion County, and provide incremental repair assistance to homeowners in the Barrington Redevelopment Area.	
Eastside Community Investments, Inc. - Equity VI	\$800,000
Project will provide 75 rental units in four areas of the City (Eastside, Fountain Square, United Northwest, and Westside), and is undertaken in conjunction with the Community Development Corporations in those areas. Investment leverages \$4,891,044.	
Mapleton-Fall Creek Housing Development Corporation - Reclamation I	\$299,000
Project will provide 32 rental units in the Mapleton-Fall Creek area. Investment leverages \$2,388,533.	
Near North Development Corporation	\$105,600
Projects will provide 8 units for first time home buyers (4 of which are new construction), and rehabilitate 7 owner occupied homes. Investment leverages more than \$220,000.	
Westside Community Development Corporation	\$300,000

Projects provide incremental rehabilitation assistance for homeowners, and homeownership opportunities to persons in the Stringtown, Haughville, and Hawthorne areas.

Total requested

\$1,754,600

PROPOSAL NO. 298, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 298, 1993 on May 26, 1993. The proposal, sponsored by Councillors SerVaas, Borst, Coughenour, Curry, Dowden, Hinkle, Jimison, Moriarty and O'Dell, creates the Court Space Reorganization Commission. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Gilmer, for adoption.

Councillor Golc stated that he supports this proposal and asked that his name be added as a sponsor.

Councillor Jimison moved that the Court Space Reorganization Commission include as a member Judge Evan Goodman, Presiding Judge of the Marion County Municipal Court. She said that adding Judge Goodman as a Commission member would save a lot of time and resolve many potential differences. Councillor Williams seconded this motion.

Councillor Dowden said that he opposes this amendment because there is nothing in the proposal that would prohibit Judge Evan Goodman from being the appointee of the Circuit Court Judge.

Councillor Williams said that if the Council has learned anything from the public defender issue it is that it needs to be more inclusive rather than exclusive. She believes that adding Judge Goodman as an additional member to the Commission would be a good decision in the long run.

Councillor Jimison's motion failed by the following roll call vote; viz:

*11 YEAS: Boyd, Brents, Franklin, Golc, Gray, Jimison, Jones, Moriarty, Mullin, Short, Williams*  
*16 NAYS: Beadling, Borst, Curry, Dowden, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West*  
*1 NOT VOTING: Coughenour*  
*1 NOT PRESENT: Black*

Councillor Borst said that he learned that there were too many judges involved with the public defender issue. It is his opinion that there should be one unified voice from the judiciary.

Councillor Jimison said that Judge Goodman represents fifteen judges and it the Municipal Courts that are going to be affected, not the circuit courts.

The President said that when proxies are named, they are not named permanently. He said he intends to nominate Councillor Golc as his proxy so he can attend a meeting and state his views. The President said that this Commission has no power; it is a study group which will recommend a plan by July 30, 1993.

Councillor Rhodes said whatever recommendation this Commission makes will cost the taxpayers. Each of the Commission members are elected by the people in Marion County;

they are not appointed. They will be answerable to the electorate. Judge Goodman is not an elected official.

Councillor Boyd asked if the person appointed by the Commission member serves at the pleasure of that appointing authority or does he/she serve until the task is completed.

Councillor Dowden said that he believes this proposal means that the persons appointed will be appointed for the duration of the Commission.

The President said that he does not believe that if a Commission member appoints someone to cover for him at one meeting that it would be permanent appointment. The President said that the persons named in the proposal as members are the ones who will ultimately have to cast a decisive vote.

Robert G. Elrod, Parliamentarian and General Counsel, said that he interprets it that either the person named in the proposal or his appointee would be a permanent person appointed to this Commission. There is nothing in the proposal that prevents the persons appointed to that Commission from sending a proxy to the meeting. Whether the Commission recognizes them as voting proxies or not, is up to the Commission.

Councillor Rhodes said he thinks the final vote has to be cast from the Commission members who are elected officials.

Proposal No. 298, 1993, as amended, was adopted on the following roll call vote; viz:

*22 YEAS: Beadling, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West*

*6 NAYS: Boyd, Gray, Jimison, Jones, Short, Williams*

*1 NOT PRESENT: Black*

The President said that he would appreciate any Councillor who is interested in this matter to let him know so he/she can become part of his advisory group.

Proposal No. 298, 1993 was retitled COUNCIL RESOLUTION NO. 56, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 1993

A COUNCIL RESOLUTION creating the Court Space Reorganization Commission.

WHEREAS, the U.S. Justice Department reports that the cost of courts has increased 58% during the past twenty years, and that spending for court legal services and prosecution has increased 152%; and

WHEREAS, the Indiana General Assembly has continuously created more Marion County courts, more people are getting divorces and suing, drug-related criminal activity has increased dramatically during the past two decades, each session of Congress and the General Assembly adds more crimes into the lawbooks, enforcement effectiveness has steadily increased, and whole new legal subjects have come into existence such as environmental crimes; and

WHEREAS, in 1987, a City-County Building space study was conducted which recommended that either a new Indianapolis Police Department building be built and the courts expand into the east wing of the City-County Building, or that a new courts building be constructed; and

WHEREAS, in 1990, a new space study was conducted which recommended a new \$83 million courts building, or the least expensive option for the growing courts would be to remodel an existing downtown building for a cost of \$57 million; and

WHEREAS, today the courtrooms and affiliated agencies are scattered throughout the City-County Building, the Indianapolis Police Department has been decentralized, and the judges are requesting more court security; now, therefore:

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

SECTION 1. Under the current circumstances, the prudent and cost-effective action is to expand and consolidate most of the courts into the east and west wings of the City-County Building, then secure those areas with appropriate modern security devices and utilize in the most cooperative and efficient manner the court bailiffs, Sheriff deputies and Building Authority police.

SECTION 2. Special accommodation should be made for the existing Mayor's Action Center and the Ordinance Violations Bureau, and to some possible relocating of the remaining offices now in the east wing.

SECTION 3. There is hereby created the Court Space Reorganization Commission to study, develop and recommend implementation of this courts space and building security plan.

SECTION 4. Such commission shall be comprised of the following members:

- (a) one member of the Marion County Board of Commissioners, or their appointee, who shall serve as chairman,
- (b) the Mayor of Indianapolis or the mayor's appointee,
- (c) the Judge of the Circuit Court, or such judge's appointee,
- (d) the Marion County Sheriff or the sheriff's appointee,
- (e) the City-County Council President or the president's appointee.

The general manager of the Indianapolis-Marion County Building Authority shall serve as a non-voting technical advisor to the commission.

SECTION 5. All commission meetings shall be open to the public, and the commission shall prepare a written plan of action by July 30, 1993.

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

PROPOSAL NO. 299, 1993. The proposal, sponsored by Councillor Curry, amends the Code concerning the powers and duties of the Metropolitan Emergency Communications Agency and its Board. Councillor Dowden asked for consent to return Proposal No. 299, 1993 to Committee. Consent was given.

**SPECIAL SERVICE DISTRICT COUNCILS**

The President convened the Police Special Service District Council.

**A. POLICE SPECIAL SERVICE DISTRICT - SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 272, 1993. The proposal appropriates \$970,000 for the Department of Public Safety, Police Division, for construction of an annex to the North District IPD headquarters and for construction of a new South District IPD headquarters. Councillor Dowden asked for consent to postpone Proposal No. 272, 1993 until June 21, 1993. Consent was given.

The President convened the Fire Special Service District Council.

June 7, 1993

**B. FIRE SPECIAL SERVICE DISTRICT - SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 273, 1993. The proposal appropriates \$3,287,500 for the Department of Public Safety, Fire Division, to replace: (1) Fire Station Nos. 18 and 28, (2) the heat, ventilation and air conditioning system at IFD headquarters on New Jersey Street, and (3) the ventilation systems at various fire stations. Councillor Dowden asked for consent to postpone Proposal No. 273, 1993 until June 21, 1993. Consent was given.

The President reconvened the City-County Council.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that Councillor Dowden has asked that Proposal No. 654, 1992 be stricken.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:45 p.m.

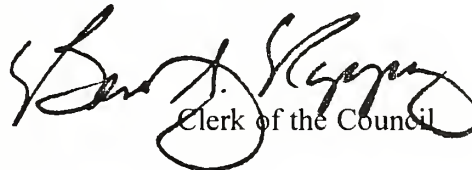
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 7th day of June, 1993.

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)