

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

**REGULAR MEETINGS  
MONDAY, AUGUST 23, 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 7:10 p.m. on Monday, August 23, 1993, with Councillor SerVaas presiding.

Councillor Moriarty led the opening prayer and asked for a moment of silence in memory of Teresa Jean Hawkins. Councillor Moriarty invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

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

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

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

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

*Journal of the City-County Council*

on Monday, August 23, 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

August 3, 1993

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 12, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 393, 394, 395, 396, 397 and 436, 1993, to be held on Monday, August 23, 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. 57, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Fifty Thousand Four Hundred Twenty Dollars (\$150,420) in the City General Fund for purposes of the Cable Communications Agency and reducing the unappropriated and unencumbered balance in the City General Fund.

FISCAL ORDINANCE NO. 58, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Four Hundred Forty-five Thousand One Hundred Forty Dollars (\$445,140) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 59, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Two Hundred Forty-one Thousand Four Hundred Seventy-three Dollars (\$241,473) in the Transportation General Fund for purposes of the Department of Transportation, Finance and Administration Division, and reducing certain other appropriations for that Division.

GENERAL ORDINANCE NO. 98, 1993, amending the Code of Indianapolis and Marion County by revising the manner in which Franchise fees are established for the towing of vehicles.

GENERAL ORDINANCE NO. 100, 1993, amending the Code of Indianapolis and Marion County, Indiana, Section 29, 166, One-way streets and alleys designated.

SPECIAL RESOLUTION NO. 47, 1993, recognizing Joe Sparks of the Indianapolis Indians.

SPECIAL RESOLUTION NO. 48, 1993, recognizing Indy-West Wrestling Club and their Japanese visitors.

SPECIAL RESOLUTION NO. 49, 1993, recognizing the "Blackmon Family Reunion '93."

SPECIAL RESOLUTION NO. 50, 1993, repealing Special Resolution No. 44, 1990, which established the Marion County Commission on Youth.

SPECIAL RESOLUTION NO. 51, 1993, approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

Respectfully,  
s/Stephen Goldsmith  
Stephen Goldsmith

## ADOPTION OF THE AGENDA

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

## APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of August 2, 1993. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 456, 1993. This proposal, sponsored by Councillor Smith, congratulates the Franklin Central High School Band. Councillor Smith read the resolution and presented a framed document to Raymond Hauser, Director, Franklin Central High School Band, who expressed appreciation for the recognition. Councillor Smith moved, seconded by Councillor West, for adoption. Proposal No. 456, 1993 was adopted by unanimous voice vote.

Proposal No. 456, 1993 was retitled SPECIAL RESOLUTION NO. 52, 1993 and reads as follows:

### CITY-COUNTY SPECIAL RESOLUTION NO. 52, 1993

SPECIAL RESOLUTION congratulating the Franklin Central High School Band.

WHEREAS, Marion County is the home of the best high school marching band in Indiana the judges ruled at the 46th Annual Indiana State Fair's Band Day Contest; and

WHEREAS, for three straight years the Franklin Central Flashes and Flashettes came in third place in the stiff State Fair competition--until August 11, 1993, when the band's experience and countless hours of practice paid off with the State Fair's First Place trophy being handed to Franklin Central; and

WHEREAS, adopting a theme of America's Fiftieth Anniversary of World War II, the Franklin Central Band had to endure a wet track to march upon, a hot and humid day in band uniforms, and an anxious wait into the evening hours for the judges to announce the winners; 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 congratulates the Franklin Central High School Marching Band for being judged the best in the state at the 1993 Indiana State Fair Band Day.

SECTION 2. The Council commends each member of the band and color guard for their proficiency, their many hours and years of hard work and practice, for their commitment, and for their teamwork attitude with the band.

SECTION 3. The Council also recognizes Band Director Raymond Hauser, the many parents who sacrificed and encouraged the band members, the Band Booster Board, school administration, and all others who helped make the championship day possible for Franklin Central High School.

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. 457, 1993. This proposal, sponsored by Councillor Beadling, recognizes Razor Shines of the Indianapolis Indians. Councillor Beadling said that the resolution will be presented to Razor Shines at a later date. Councillor Beadling moved, seconded by Councillor West, for adoption. Proposal No. 457, 1993 was adopted by unanimous voice vote.

Proposal No. 457, 1993 was retitled SPECIAL RESOLUTION NO. 53, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1993

A SPECIAL RESOLUTION recognizing Razor Shines of the Indianapolis Indians.

WHEREAS, for the past ten years Anthony Raymond "Razor" Shines was the Indianapolis Indians player who started the rallies, who got the fans into the games, and who after the ninth inning stayed around considering it an honor to be asked by the kids to autograph their baseball gloves and program booklets; and

WHEREAS, Razor Shines came to the Indians in 1984, and that year helped the Tribe win its first of four straight American Association Championship seasons; and

WHEREAS, during the subsequent decade, Shines gave each game, and each time at bat, his "all"; and was a fine role model example for young athletes; and

WHEREAS, beginning with the 1994 season, Shines will trade in his player's cap for a new coaches hat; and

WHEREAS, September 4, 1993, will be Razor Shines Appreciation Night at Bush Stadium, and on this close of the 1993 season his name will be added to the Indians Wall of Fame; 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 Razor Shines for his great contribution to professional baseball in this city.

SECTION 2. The Council wishes him well as he transforms from being an outstanding player, to the role of being an outstanding coach.

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. 458, 1993. This proposal, sponsored by Councillor Williams, recognizes the Day of the Working Parent and Indianapolis Section of the National Council of Jewish Women. Councillor Williams read the resolution and presented a framed document to Rozann Rothman and Myrna Weinberger, co-presidents of the National Council of Jewish Women, who expressed appreciation for the recognition. Councillor Williams moved, seconded by Councillor Moriarty, for adoption. Proposal No. 458, 1993 was adopted by unanimous voice vote.

Proposal No. 458, 1993 was retitled SPECIAL RESOLUTION NO. 54, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1993

A SPECIAL RESOLUTION recognizing the Day of the Working Parent and Indianapolis Section of the National Council of Jewish Women.



August 23, 1993

WHEREAS, the well-being of families is central to the vitality, strength, and success of our community;  
and

WHEREAS, there are an increasing number of Indianapolis residents who must balance work responsibilities with the demands of caring for children and elderly relatives; and

WHEREAS, there is a critical need for both workers and businesses to learn more about child and elder care options; and

WHEREAS, new solutions must be sought to help achieve a balance between work and family; and

WHEREAS, the National Council of Jewish Women, celebrating its 100th anniversary, has a history of working for the well-being of families of all social, economic, religious, racial, and ethnic backgrounds; and

WHEREAS, the National Council of Jewish Women is forging partnerships in communities around the country to broaden employer and general public awareness of dependent care issues and to implement strategies for meeting those needs; and

WHEREAS, September 9, 1993, has been declared Indiana Day of the Working Parent by Governor Bayh, and Indianapolis Day of the Working Parent by Mayor Goldsmith; 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 joins our mayor and governor in acknowledging September 9 as the Day of the Working Parent, and congratulates the National Council of Jewish Women for their effort on this and many other projects geared toward family preservation.

SECTION 2. The Council congratulates the National Council of Jewish Women on its 100th Anniversary, and acknowledges Marriott Corporation as a major national corporate sponsor; and Embassy Suites Downtown, Bank One, WXTZ Radio, Indianapolis Business Journal and Kudos Snacks as local sponsors of the Day of the Working Parent events.

SECTION 3. The Council invites all members of our community to join the Indianapolis Section of the National Council of Jewish Women on September 9, 1993, at Noon on Monument Circle and at the City Market, and receive a Food For Thought lunchbox.

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. 350, 1993. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 350, 1993 on August 19, 1993. The proposal appoints Diana Wilson Hall to the Board of Parks and Recreation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor West, for adoption.

Councillor Borst voiced his support to appoint Ms. Hall as a member of the Board of Parks and Recreation.

Proposal No. 350, 1993 was adopted by a unanimous voice vote.

Proposal No. 350, 1993 was retitled COUNCIL RESOLUTION NO. 61, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 1993

A COUNCIL RESOLUTION appointing Diana Wilson Hall to the Board of Parks and Recreation.

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

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

Diana Wilson Hall

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.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 439, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,300 for the Washington Township Assessor to purchase plat book supplies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 440, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE requiring all employees hired subsequent to September 30, 1993 receive their pay through direct deposit"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 441, 1993. Introduced by Councillors Smith and Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION authorizing the direct payment of township poor relief claim vouchers by trustees"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 442, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$16,833,587 for the Department of Metropolitan Development, Public Housing Division, to rehabilitate Blackburn and Hawthorne Place funded by federal monies"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 443, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disbursement of \$358,000 of Community Development Block Grant Funds"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 444, 1993. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$950 for the Superior Court, Criminal Division, Room Four, to cover maintenance contracts and postage expense"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE appropriating \$100,000 for the Department of Public Safety, Police Division, to cover demolition and additional site work expenses for the Indianapolis Police Division North District Project"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 446, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE transferring and appropriating \$1,159,500 for the Department of Public Safety, Fire Division, to cover personnel expenses through the end of the year and to pay the hydrant rental due the Indianapolis Water Company"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 447, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$17,500 for the Department of Public Safety, Emergency Management Planning Division, to cover administrative and project planning costs for the Emergency Management Siren Project"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 448, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$25,600 for the Domestic Relations Counseling Bureau, acting as subgrantee for the Indiana Criminal Justice Institute, to pay personnel expenses for the Visiting Nurse Service"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 449, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,680,320 for the Department of Public Works, Storm and Wastewater Management Division, to purchase and install flow meters and samplers and to pay consultant fees to continue the Combined Sewer Overflow Project for a period of one year"; and the President referred it to the Public Works Committee.

[Clerk's Note: Proposal No. 450, 1993 was withdrawn.]

PROPOSAL NO. 451, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$4,700,000 for the Department of Transportation, Asset Management Division, to cover the expense of resurfacing approximately fifty lane miles of streets and of implementing a county-wide inventory of signals, streets and culverts"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 452, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$421,000 for the Department of Transportation, Operations Division, to replace 1993 funds which were used to pay 1992 residential thoroughfare and traffic energy bills"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 453, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving the execution of a lease amendment by and between the Metropolitan Development Commission of Marion County, acting as the Redevelopment Commission of the City of Indianapolis and the Marion County Convention and Recreational Facilities Authority; and making an additional pledge of the City's and County's respective distributive shares of COIT"; and the President referred it to the Rules and Public Policy Committee.



PROPOSAL NO. 454, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE requiring that certain governmental services be extended beyond the County only pursuant to Interlocal agreements"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 455, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to establish sewer service and connection charges to users who are located outside of Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 459, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 460, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 461, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 462, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 463, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

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

PROPOSAL NO. 437, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 437, 1993 on August 18, 1993. The proposal approves the issuance of City of Indianapolis, Indiana Airport Facility Revenue Refunding Bonds (Federal Express Corporation Project) Series 1994 in an aggregate principal amount not to exceed \$45,000,000. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Franklin, for adoption. Proposal No. 437, 1993 was adopted on the following roll call vote; viz:



August 23, 1993

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

0 NAYS:

6 NOT VOTING: *Beadling, Dowden, Gray, Hinkle, Smith, Williams*

1 NOT PRESENT: *Golc*

Proposal No. 437, 1993 was retitled SPECIAL ORDINANCE NO. 9, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Airport Facility Revenue Refunding Bonds (Federal Express Corporation Project) Series 1994" in an aggregate principal amount not to exceed Forty-Five Million Dollars (\$45,000,000) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), an Indiana political subdivision, is authorized by the provisions of the Constitution and laws of the State of Indiana, including, without limitation, Title 36, Article 7, Chapters 11.9 and 12 and Title 5, Article 1, Chapter 5 of the Indiana Code, as amended (collectively, the "Act"), to provide for the financing and refinancing of "economic development facilities," as defined in the Act, for the purposes set forth in the Act; and

WHEREAS, Federal Express Corporation (the "Company"), as successor to the interests and obligations of Purolator Courier Corp., has requested the Issuer to issue its economic development revenue refunding bonds to provide refinancing for an "economic development facility," as defined in the Act, which economic development facility was previously financed by the Issuer for the benefit of Purolator Courier Corp. with the proceeds of the Issuer's Airport Facility Revenue Bonds (Purolator Courier Corp. Project), Series 1984 (the "Prior Bonds"), and the Issuer is authorized by the Act to refund its Prior Bonds and provide refinancing for such "economic development facility"; and

WHEREAS, the Issuer, prior to the issuance of the Prior Bonds, adopted its Special Resolution, preliminarily approving the Project and evidencing the Issuer's intent to issue its economic development revenue bonds in order to provide financing for the Project; and

WHEREAS, the Issuer issued the Prior Bonds to provide financing for certain air package express sorting facilities (the "Project"), located at Indianapolis International Airport in the City of Indianapolis, Indiana, constituting an "economic development facility" within the meaning of the Act; and

WHEREAS, the refinancing of the Project will comply with the purposes and provisions of the Act, and constitute the refinancing of an "economic development facility" within the meaning of the Act; and

WHEREAS, it is proposed to pay the cost of refinancing the Project through the issuance of economic development revenue refunding bonds of the Issuer pursuant to the provisions of the Act; and

WHEREAS, the Issuer, through its Economic Development Commission (the "Commission"), has held a public hearing on August 18, 1993 on the question of the refinancing of the Project in compliance with the requirements of the Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and has determined to refinance the Project through the issuance of its economic development revenue refunding bonds pursuant to the provisions of the Act; and

WHEREAS, on August 18, 1993, the Commission adopted a Resolution, which Resolution has been previously transmitted hereto, finding that the refunding and refinancing complies with the purposes and provisions of the Act, that such refunding and refinancing will be of benefit to the health and general welfare of the Issuer and its citizens and recommending the issuance of the Bonds by the Issuer; and

WHEREAS, in order to refinance the Project, the Issuer now proposes to issue its Bonds in aggregate principal amount not to exceed Forty-Five Million Dollars (\$45,000,000) as authorized and permitted by the Act and as hereinafter provided; and

WHEREAS, the proceeds of the Bonds will be loaned by the Issuer to the Company pursuant to a Loan Agreement, dated as of September 1, 1993 (the "Loan Agreement"), among the Issuer and the Company, in order to carry out said purposes; and

WHEREAS, pursuant to an Indenture of Trust, dated as of September 1, 1993 (the "Indenture"), among the Issuer, INB National Bank, Indianapolis, Indiana, as trustee (the "Trustee"), the Issuer will assign to the Trustee the Issuer's right, title and interest in, under and to the Loan Agreement (except for certain rights of the Issuer to be reimbursed and indemnified by the Company, and to receive notices) as security for the payment of the Bonds; and

WHEREAS, pursuant to an Underwriting Agreement (the "Underwriting Agreement"), among the Issuer and The First Boston Corporation (the "Underwriter"), the Underwriter will conditionally purchase the Bonds which are to be issued on or about September 28, 1994; and

WHEREAS, the Commission has approved the final forms of the Indenture, Loan Agreement, Escrow Agreement, Underwriting Agreement, Preliminary Official Statement, DTC Letter of Representations 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; and

WHEREAS, two (2) copies of the Financing Documents are on file in the office of the Clerk of the City-County Council (the "Clerk") for public inspection and the forms of the Financing Documents have been presented to this meeting; now, therefore:

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

SECTION 1. The refinancing of the Project through the issuance and sale of the Bonds, as hereinafter provided, is hereby authorized and approved, and is found and determined to be in compliance with the purposes and provisions of the Act.

SECTION 2. In order to provide funds to refinance the Project, there are hereby authorized to be issued by the Issuer economic development revenue refunding bonds of the Issuer in the aggregate principal amount not to exceed Forty-Five Million Dollars (\$45,000,000), which economic development revenue refunding bonds shall be designated "City of Indianapolis, Indiana Airport Facility Revenue Refunding Bonds (Federal Express Corporation Project) Series 1994."

The Bonds shall be issued in fully registered form and in such denominations, shall be dated as of such dates, shall bear interest from their dates on the unpaid principal amount thereof at such rates per annum not greater than set forth hereinafter, shall mature on such dates and in such principal amounts, and shall be subject to purchase on such terms as are set forth in the form of Indenture presented to this meeting.

The Bonds shall be subject to redemption prior to maturity at the times, under the circumstances, in the manner, at the prices, in the amounts and with the effect set forth in the form of Indenture presented to this meeting.

The Bonds shall be executed in the name of the Issuer by the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the Clerk, shall have the corporate seal of the Issuer impressed or reproduced thereon, shall be authenticated by the endorsement thereon of the Trustee appointed pursuant to the provisions of the Indenture, and on original issuance shall be delivered by the Trustee to the Underwriter as agent for the original purchasers thereof. Temporary Bonds may be delivered pending preparation of definitive Bonds.

The Bonds shall be issued in compliance with and under authority of the provisions of the Act, this Special Ordinance and the Indenture.

SECTION 3. The Bonds and the interest thereon shall be limited obligations of the Issuer, payable solely and only from the revenues and receipts derived by the Issuer pursuant to the Loan Agreement and as otherwise provided in the Financing Documents, and shall be otherwise secured as provided in the Financing Documents. The Bonds shall not in any respect be a general obligation of the Issuer, nor shall they be payable in any manner from funds of the Issuer raised by taxation. The Bonds shall state that they have been issued under the provisions of the Act, and that they do not constitute an indebtedness of the Issuer or a loan of credit thereof within the meaning of any constitutional or statutory provision.

The principal of the Bonds shall be payable at the principal corporate trust office of the Trustee, and at such other offices as may be chosen pursuant to the Indenture. The Bonds shall be payable in any medium which is then legal tender for all debts public and private.

Nothing in this Special Ordinance, the Financing Documents or in any document or agreement required hereby and thereby, shall be construed as an obligation or commitment by the Issuer to expend any of its funds other than (i) the proceeds derived from the sale of the Bonds, (ii) the revenues and receipts derived from the Loan Agreement, and (iii) any moneys arising out of the investment or reinvestment of said proceeds, income, revenues, receipts or moneys.

SECTION 4. 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 Official Statement 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 Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter, that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement. The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 5. The form, terms and provisions of the Financing Documents presented to this meeting are in all respect approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk or City Controller. The Mayor and Clerk of the Issuer are hereby authorized, empowered and directed to execute, acknowledge and deliver the Financing Documents, with or without an impression of the official seal of the Issuer as required thereby. The sale of the Bonds to the Underwriter at a price of not less than 99% of the aggregate principal amount thereof plus accrued interest, if any, at a stated per annum rate of interest not to exceed 9% and a term not to exceed 31 years is hereby approved. The Mayor, as the applicable Elected Representative pursuant to Section 147(f) of the Code, is hereby authorized to execute a certificate approving the issue of the Bonds following an additional public hearing to be held after October 1, 1993 pursuant to Section 147(f) of the Code.

The Financing Documents, as so executed and delivered, shall be in substantially the forms now before this meeting and hereby approved, with only such changes therein as shall be approved by the officers of the Issuer executing the same, their execution thereof to constitute conclusive evidence of their approval and the approval of this City-County Council of any and all changes or revisions therein from the forms thereof now before this meeting provided that such changes do not affect terms set forth in this Special Ordinance and the Financing Documents pursuant to Indiana Code 36-7-12-27(a)(1) through (a)(10); and from and after the execution and delivery of the Financing Documents, the Mayor and the Clerk of the Issuer are hereby authorized, empowered and directed to do all such acts and things, and to execute all documents (including any certifications, financing statements, assignments and other instruments), as may be necessary, in the opinion of counsel to the Issuer, to carry out and comply with the provisions of the Financing Documents as executed, and in any other documents and instruments required to effectuate any portion of the financing transaction and to carry out and comply with the purposes of the Act and this Special Ordinance.

If any of the officers of the Issuer who shall have signed or sealed any of the Bonds shall cease to be such officers of the Issuer before the Bonds so signed and sealed shall have been authenticated by the Trustee, or delivered by or on behalf of the Issuer, such Bonds, nevertheless, may be authenticated and delivered with the same force and effect as though the person or persons who signed or sealed the same had not ceased to be such officer or officers of the Issuer; and also any such Bonds may be signed and sealed on behalf of the Issuer by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers to the Issuer, although at the nominal date of such Bonds any such person shall not have been such an officer of the Issuer.

SECTION 6. The provisions of this Special Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

SECTION 7. All ordinances, resolutions and orders, and parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed. The provisions of this Special 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 Special 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. This Special Ordinance shall take effect and be in full force upon its adoption and compliance with Title 36, Article 3, Chapter 4, Section 14 of the Indiana Code.

PROPOSAL NO. 438, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 438, 1993 on August 18, 1993. The proposal approves the issuance of City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Morningside of College Park Project) in an aggregate principal amount not to exceed \$6,695,000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Jones, for adoption. Proposal No. 438, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 NOT VOTING: Gray, Hinkle, Williams*

*1 NOT PRESENT: Golc*

Proposal No. 438, 1993 was retitled SPECIAL ORDINANCE NO. 10, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Morningside of College Park Project) in an aggregate principal amount not to exceed Six Million Six Hundred Ninety-Five Thousand Dollars (\$6,695,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), an Indiana political subdivision, is authorized by the provisions of the Constitution and laws of the State of Indiana, including, without limitation, Title 36, Article 7, Chapters 11.9 and 12 and Title 5, Article 1, Chapter 5 of the Indiana Code, as amended (collectively, the "Act"), to provide for the financing and refinancing of "economic development facilities," as defined in the Act, for the purposes set forth in the Act; and

WHEREAS, Morningside of College Park, an Indiana limited partnership (the "Company"), has requested the Issuer to issue its economic development revenue refunding bonds to provide refinancing for an "economic development facility," as defined in the Act, which economic development facility was previously financed by the Issuer for the benefit of the Company with the proceeds of the Issuer's Adjustable Rate Demand Economic Development Refunding Revenue Bonds, Series 1989 (Morningside of College Park Project) (the "Prior Bonds"), and the Issuer is authorized by the Act to refund its Prior Bonds and provide refinancing for such "economic development facility"; and

WHEREAS, the Issuer, prior to the issuance of the Prior Bonds, adopted its Special Resolution, preliminarily approving the Project and evidencing the Issuer's intent to issue its economic development revenue bonds in order to provide financing for the Project; and

WHEREAS, the Issuer on October 31, 1989, issued the Prior Bonds to provide financing for certain congregate housing facilities including 128 multi-family residential rental units (the "Project"), located at 8810 Colby Boulevard in the City of Indianapolis, Indiana, constituting an "economic development facility" within the meaning of the Act; and

WHEREAS, the refinancing of the Project will comply with the purposes and provisions of the Act, and constitute the refinancing of an "economic development facility" within the meaning of the Act; and



August 23, 1993

WHEREAS, it is proposed to pay the cost of refinancing the Project through the issuance of economic development revenue refunding bonds of the Issuer pursuant to the provisions of the Act; and

WHEREAS, the Issuer, through its Economic Development Commission (the "Commission"), has held a public hearing on August 18, 1993 on the question of the refinancing of the Project in compliance with the requirements of the Section 147(f) of the Internal Revenue Code of 1986, as amended, and has determined to refinance the Project through the issuance of its economic development revenue refunding bonds pursuant to the provisions of the Act; and

WHEREAS, on August 18, 1993, the Commission adopted a Resolution, which Resolution has been previously transmitted hereto, finding that the refunding and refinancing complies with the purposes and provisions of the Act, that such refunding and refinancing will be of benefit to the health and general welfare of the Issuer and its citizens and recommending the issuance of the Bonds (as hereinafter defined) by the Issuer; and

WHEREAS, in order to refinance the Project, the Issuer now proposes to issue its Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Morningside of College Park Project) (the "Bonds") in aggregate principal amount not to exceed Six Million Six Hundred Ninety Five Thousand Dollars (\$6,695,000) as authorized and permitted by the Act and as hereinafter provided; and

WHEREAS, the proceeds of the Bonds will be loaned by the Issuer to the Company pursuant to a Loan Agreement, dated as of August 1, 1993 (the "Loan Agreement"), among the Issuer and the Company, in order to carry out said purposes; and

WHEREAS, pursuant to an Indenture of Trust, dated as of August 1, 1993 (the "Indenture"), among the Issuer, Peoples Bank & Trust Company, Indianapolis, Indiana, as trustee (the "Trustee"), the Issuer will assign to the Trustee the Issuer's right, title and interest in, under and to the Loan Agreement (except for certain rights of the Issuer to be reimbursed and indemnified by the Company, and to receive notices) as security for the payment of the Bonds; and

WHEREAS, pursuant to a Bond Placement Agreement dated as of August 25, 1993 (the "Bond Placement Agreement"), among the Issuer, the Company and Bank One, Columbus, NA (the "Placement Agent"), the Placement Agent will undertake to effect an offering of the Bonds and to remarket Bonds tendered for purchase under certain circumstances; and

WHEREAS, the Commission has approved the final forms of the Indenture, Loan Agreement, Land Use Restriction Agreement, Escrow Agreement, Bond Placement 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; and

WHEREAS, two (2) copies of the Financing Documents are on file in the office of the Clerk of the City-County Council (the "Clerk") for public inspection and the forms of the Financing Documents have been presented to this meeting; now, therefore:

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

SECTION 1. The refinancing of the Project through the issuance and sale of the Bonds, as hereinafter provided, is hereby authorized and approved, and is found and determined to be in compliance with the purposes and provisions of the Act.

SECTION 2. In order to provide funds to refinance the Project, there are hereby authorized to be issued by the Issuer economic development revenue refunding bonds of the Issuer in the aggregate principal amount not to exceed Six Million Six Hundred Ninety-Five Thousand Dollars (\$6,695,000), which economic development revenue refunding bonds shall be designated "City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Morningside of College Park Project)."

The Bonds shall be issued in fully registered form and in such denominations, shall be dated as of such dates, shall bear interest from their dates on the unpaid principal amount thereof at such rates per annum, shall mature on such dates and in such principal amounts, and shall be subject to purchase on such terms as are set forth in the form of Indenture presented to this meeting.

The Bonds shall be subject to redemption prior to maturity at the times, under the circumstances, in the manner, at the prices, in the amounts and with the effect set forth in the form of Indenture presented to this meeting.

The Bonds shall be executed in the name of the Issuer by the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the Clerk, shall have the corporate seal of the Issuer impressed or reproduced thereon, shall be authenticated by the endorsement thereon of the Trustee or any tender agent (the "Tender Agent") appointed pursuant to the provisions of the Indenture, and on original issuance shall be delivered by the Trustee to the Placement Agent as agent for the original purchasers thereof. Temporary Bonds may be delivered pending preparation of definitive Bonds.

The Bonds shall be issued in compliance with and under authority of the provisions of the Act, this Special Ordinance and the Indenture.

SECTION 3. The Bonds and the interest thereon shall be limited obligations of the Issuer, payable solely and only from the revenues and receipts derived by the Issuer pursuant to the Loan Agreement and as otherwise provided in the Financing Documents, and shall be otherwise secured as provided in the Financing Documents. The Bonds shall not in any respect be a general obligation of the Issuer, nor shall they be payable in any manner from funds of the Issuer raised by taxation. The Bonds shall state that they have been issued under the provisions of the Act, and that they do not constitute an indebtedness of the Issuer or a loan of credit thereof within the meaning of any constitutional or statutory provision.

The Bonds shall be payable at the principal corporate trust office of the Trustee, and at such other offices as may be chosen pursuant to the Indenture. The Bonds shall be payable in any medium which is then legal tender for all debts public and private.

Nothing in this Special Ordinance, the Financing Documents or in any document or agreement required hereby and thereby, shall be construed as an obligation or commitment by the Issuer to expend any of its funds other than (i) the proceeds derived from the sale of the Bonds, (ii) the revenues and receipts derived from the Loan Agreement, and (iii) any moneys arising out of the investment or reinvestment of said proceeds, income, revenues, receipts or moneys.

SECTION 4. 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 Offering 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 Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Offering Memorandum is hereby authorized to certify to the Placement Agent that the information in the Preliminary Offering 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 Offering Memorandum. The use of an Offering Memorandum in substantially the same form as the Preliminary Offering 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 5. The form, terms and provisions of the Financing Documents presented to this meeting are in all respect approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk or City Controller. The Mayor and Clerk of the Issuer are hereby authorized, empowered and directed to execute, acknowledge and deliver the Financing Documents, with or without an impression of the official seal of the Issuer as required thereby. The sale of the Bonds to the purchasers designated by the Placement Agent at a price of 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 is hereby approved.

The Financing Documents, as so executed and delivered, shall be in substantially the forms now before this meeting and hereby approved, with only such changes therein as shall be approved by the officers of the Issuer executing the same, their execution thereof to constitute conclusive evidence of their approval and the approval of this City-County Council of any and all changes or revisions therein from the forms thereof now before this meeting provided that such changes do not affect terms set forth in this Special Ordinance and the Financing Documents pursuant to Indiana Code 36-7-12-27(a)(1) through (a)(10); and from and after the execution and delivery of the Financing Documents, the Mayor and the Clerk of the Issuer are hereby authorized, empowered and directed to do all such acts and things, and to execute all documents (including any certifications, financing

statements, assignments and other instruments), as may be necessary, in the opinion of counsel to the Issuer, to carry out and comply with the provisions of the Financing Documents as executed, and in any other documents and instruments required to effectuate any portion of the financing transaction and to carry out and comply with the purposes of the Act and this Special Ordinance.

If any of the officers of the Issuer who shall have signed or sealed any of the Bonds shall cease to be such officers of the Issuer before the Bonds so signed and sealed shall have been authenticated by the Trustee [or the Tender Agent], or delivered by or on behalf of the Issuer, such Bonds, nevertheless, may be authenticated and delivered with the same force and effect as though the person or persons who signed or sealed the same had not ceased to be such officer or officers of the Issuer; and also any such Bonds may be signed and sealed on behalf of the Issuer by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers to the Issuer, although at the nominal date of such Bonds any such person shall not have been such an officer of the Issuer.

SECTION 6. The provisions of this Special Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

SECTION 7. All ordinances, resolutions and orders, and parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed. The provisions of this Special 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 Special 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. This Special Ordinance shall take effect and be in full force upon its adoption and compliance with Title 36, Article 3, Chapter 4, Section 14 of the Indiana Code.

PROPOSAL NOS. 464-469, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 19, 1993". The Council did not schedule Proposal Nos. 464-469, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 464-469, 1993 were retitled REZONING ORDINANCE NOS. 101-106, 1993 and are identified as follows:

REZONING ORDINANCE NO. 101, 1993. 93-Z-87 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 11.

1740 EAST 30TH STREET (approximate address), INDIANAPOLIS.  
BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF INDIANAPOLIS, a/k/a INDIANAPOLIS PUBLIC SCHOOLS, requests the rezoning of 13 acres, being in the C-1 AND D-5 Districts, to the SU-2 classification to provide for the renovation/conversion of school Number 110 from an elementary school to a middle school.

REZONING ORDINANCE NO. 102, 1993. 93-Z-89 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 25.

6950 U.S. HWY. 31 SOUTH (approximate address), INDIANAPOLIS.  
SENECAL PETROLEUM CO., INC., by William F. LeMond, requests the rezoning of 2.202 acres, being in the D-A District, to the C-1 classification to provide for commercial office development.

REZONING ORDINANCE NO. 103, 1993. 93-Z-90 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 16.

422 WEST MICHIGAN STREET (approximate address), INDIANAPOLIS.  
JOSEPH F. MILLER, by Michael R. Fisher, requests the rezoning of 0.2 acre, being in the I-3-U/RC District, to the CBD-2/RC classification to provide for residential condominium development.

REZONING ORDINANCE NO. 104, 1993. 93-Z-91 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 22.

COTTAGE HOME NEIGHBORHOOD (approximate address), INDIANAPOLIS.  
METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of approximately 28.06 acres, being in the I-3-U and C-2 Districts, to the D-8 classification to promote the maintenance, redevelopment, and new development of residences in accordance with the Highland-Brookside Neighborhood Plan and to also conform zoning with the present use of the property as residential.



REZONING ORDINANCE NO. 105, 1993. 93-Z-101 FRANKLIN TOWNSHIP.  
COUNCILMANIC DISTRICT #23.  
4101 SOUTH EMERSON AVENUE (approximate address), INDIANAPOLIS.  
GREENFIELD BUILDERS, INC., by Joseph M. Scimia, requests the rezoning of 22.7 acres, being in the C-S District to the C-S classification to provide for a light industrial center.

REZONING ORDINANCE NO. 106, 1993. 93-Z-117 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 18.  
15 COUNTRY CLUB ROAD (approximate address), INDIANAPOLIS.  
EATON AND LAUTH DEVELOPMENT COMPANY, by Therese Fehribach Coffey, requests the rezoning of 11.526 acres, being in the C-3 and 1-3-S Districts, to the C-3 classification to provide for the development of a supermarket and community shopping center.

PROPOSAL NOS. 470-476, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 19, 1993". The Council did not schedule Proposal Nos. 470-476, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 470-476, 1993 were retitled REZONING ORDINANCE NOS. 107-113, 1993 and are identified as follows:

REZONING ORDINANCE NO. 107, 1993. 93-Z-67 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 21.  
3422 EAST RAYMOND STREET (approximate address), INDIANAPOLIS.  
GORDON CHASTAIN (DAMIEN CENTER) requests the rezoning of 1.875 acres, being in the SU-I District, to the D-8 classification to provide for the development of a 24 unit multi-family project.

REZONING ORDINANCE NO. 108, 1993. 93-Z-84 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 01.  
2920 WEST 62ND STREET (approximate address), INDIANAPOLIS.  
THE BRADFORD GROUP, INC., by Stephen D. Mears, requests the rezoning of 47.42 acres, being in the D-6II, D-2 and D-A Districts, to the D-4 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 109, 1993. 93-Z-96 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 7.  
1001 BROAD RIPPLE AVENUE (approximate address), INDIANAPOLIS.  
1001 PROPERTIES, INC., by Stephen D. Mears, requests the rezoning of 2 acres, being in the C-S District, to the C-3 classification to provide for commercial retail uses.

REZONING ORDINANCE NO. 110, 1993. 93-Z-97 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 20.  
506 EAST NATIONAL STREET (approximate address), INDIANAPOLIS.  
GREATER GREENWOOD BROADCASTING LTD PARTNERSHIP, by Raymond Good, requests the rezoning of 0.6436 acre, being in the C-5 District, to the SU-5 classification to provide for a radio broadcasting antenna and accessory building.

REZONING ORDINANCE NO. 111, 1993. 93-Z-99 LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT # 3.  
6260 EAST 86TH STREET (approximate address), INDIANAPOLIS.  
LAWRENCE TOWNSHIP TRUSTEE, by Edward Williams, requests the rezoning of 2.998 acres, being in the PK-1 District, to the SU-9 classification to provide for an existing fire station and headquarters.

REZONING ORDINANCE NO. 112, 1993. 93-Z-100 LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT # 5.  
7667 NORTH OAKLANDON ROAD (approximate address), INDIANAPOLIS.  
JOHN B. CHIVINGTON requests the rezoning of 3.794 acres, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 113, 1993. 93-Z-102 FRANKLIN TOWNSHIP.  
COUNCILMANIC DISTRICT # 24.  
7709 SHELBYVILLE ROAD (approximate address), INDIANAPOLIS.



KENNETH D. SUITS, by Norma Smith, requests the rezoning of 1.5 acres, being in the D-A District, to the D-1 classification to provide for residential use.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 108, 1993. The proposal appropriates \$27,677 for the Superior Court, Criminal Division, Room Five, to cover overtime expenses and the salary of an additional clerk. Councillor Dowden asked for consent to postpone Proposal No. 108, 1993 until September 13, 1993. Consent was given.

PROPOSAL NO. 196, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 196, 1993 on August 18, 1993. The proposal appropriates \$21,851 for the Superior Court, Juvenile Division/Detention Center, to pay the salary of a truancy probation officer. By a 7-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:45 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 196, 1993, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 196, 1993, as amended, was retitled FISCAL ORDINANCE NO. 60, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Twenty-one Thousand Eight Hundred Fifty-one Dollars (\$21,851) in the County General Fund for purposes of the Superior Court, Juvenile Division/ Detention Center 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 (kk) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Juvenile Division/ Detention Center to pay the salary of a Truancy Probation Officer.

SECTION 2. The sum of Twenty-one Thousand Eight Hundred Fifty-one Dollars (\$21,851) 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:

SUPERIOR COURT, JUVENILE  
DIVISION/DETENTION CENTER  
1. Personal Services

COUNTY GENERAL FUND  
\$17,693

COUNTY AUDITOR

1. Personal Services (fringes)	<u>4,158</u>
TOTAL INCREASE	\$21,851

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$21,851</u>
TOTAL REDUCTION	\$21,851

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

PROPOSAL NO. 356, 1993. The proposal appropriates \$50,000 for the Presiding Judge of the Municipal Court to fund the first year of a three-year program to study the effectiveness of the different types of alcohol treatment programs now being used by the Municipal Court Probation Department. Councillor Dowden asked for consent to postpone Proposal No. 356, 1993 until September 13, 1993. Consent was given.

PROPOSAL NO. 380, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 380, 1993 on August 18, 1993. The proposal transfers and appropriates \$687,907 for the Marion County Public Defender Agency to transfer certain employees from the Presiding Judge of the Municipal Court budget to the Marion County Public Defender Agency budget, to provide for the staffing of the office of Chief Public Defender, to provide for expense of death penalty cases and certain other expenditures in excess of the amounts budgeted. By a 6-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:49 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 380, 1993, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 380, 1993, as amended, was retitled FISCAL ORDINANCE NO. 61, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Six Hundred Eighty-seven Thousand Nine Hundred Seven Dollars (\$687,907) in the County General Fund for purposes of the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance in the County General Fund and certain other appropriations for the Presiding Judge of the Municipal Court.

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) and (cc) of the City-County Annual Budget for 1993, be and is hereby amended by

the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency to transfer certain employees from the Presiding Judge of the Municipal Court budget to the Marion County Public Defender Agency budget, to provide for the staffing of the office of Chief Public Defender, to provide for expense of death penalty cases and certain other expenditures in excess of the amounts budgeted.

SECTION 2. The sum of Six Hundred Eighty-seven Thousand Nine Hundred Seven Dollars (\$687,907) 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>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$172,875
2. Supplies	3,000
3. Other Services and Charges	<u>512,032</u>
TOTAL INCREASE	\$687,907

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

<u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 41,235
3. Other Services and Charges	21,032
Unappropriated and Unencumbered County General Fund	<u>625,640</u>
TOTAL REDUCTION	\$687,907

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

PROPOSAL NO. 393, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 393, 1993 on August 18, 1993. The proposal appropriates \$60,000 for the Sheriff to pay overtime to officers working Project 55. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:52 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 393, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 393, 1993 was retitled FISCAL ORDINANCE NO. 62, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Sixty Thousand Dollars (\$60,000) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.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 overtime to officers that are working jointly with Purdue University to study the average free flow speed on Indiana highways.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) 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 increased appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services	\$60,000
TOTAL INCREASE	\$60,000

SECTION 4. The said additional appropriation is funded by the following reduction:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	\$60,000
TOTAL REDUCTION	\$60,000

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

PROPOSAL NO. 394, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 394, 1993 on August 18, 1993. The proposal appropriates \$311,046 in the County Corrections Fund for the Auditor, Sheriff, Community Corrections, and the Marion County Justice Agency to provide for the continuation of various programs. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:54 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 394, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: *Golc*

Proposal No. 394, 1993 was retitled FISCAL ORDINANCE NO. 63, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Three Hundred Eleven Thousand Forty-six Dollars (\$311,046) in the County Corrections Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the County Corrections 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 I.02 (b), (z), (aa), and (dd) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency



August 23, 1993

to continue providing various programs for the diversion of misdemeanor populations from their penal facilities.

SECTION 2. The sum of Three Hundred Eleven Thousand Forty-six Dollars (\$311,046) 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 AUDITOR</u>	<u>COUNTY CORRECTIONS FUND</u>
1. Personal Services (fringes)	\$ 5,021
 <u>COUNTY SHERIFF</u>	
3. Other Services and Charges	140,901
 <u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	21,367
3. Other Services and Charges	123,757
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	<u>20,000</u>
TOTAL INCREASE	\$311,046

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

	<u>COUNTY CORRECTIONS FUND</u>
Unappropriated and Unencumbered	
County Corrections Fund	<u>\$311,046</u>
TOTAL REDUCTION	\$311,046

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

PROPOSAL NO. 395, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 395, 1993 on August 18, 1993. The proposal appropriates \$100,000 for the Marion County Justice Agency to purchase surveillance, sweeping, listening, and miscellaneous equipment for the narcotics/intelligence divisions. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty, for adoption. Proposal No. 395, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 395, 1993 was retitled FISCAL ORDINANCE NO. 64, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Law Enforcement

Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement 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 (dd) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to purchase surveillance, sweeping listening and miscellaneous equipment for narcotics/intelligence divisions.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
4. Capital Outlay	<u>\$100,000</u>
TOTAL INCREASE	\$100,000

SECTION 4. The said additional appropriation is funded by the following reduction:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered Law Enforcement Fund	<u>\$100,000</u>
TOTAL REDUCTION	\$100,000

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

PROPOSAL NO. 396, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 396, 1993 on August 18, 1993. The proposal appropriates \$10,350 for the Marion County Justice Agency, acting as subgrantee for the Indiana Criminal Justice Institute, to pay personnel costs for the Julian Center for its Sojourner Children's Program. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:02 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 396, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 396, 1993 was retitled FISCAL ORDINANCE NO. 65, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Ten Thousand Three Hundred Fifty Dollars (\$10,350) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State & Federal Grants Fund.

August 23, 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 (dd) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to continue providing services to victims of family violence.

SECTION 2. The sum of Ten Thousand Three Hundred Fifty Dollars (\$10,350) 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>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>\$10,350</u>
TOTAL INCREASE	\$10,350

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>\$10,350</u>
TOTAL REDUCTION	\$10,350

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

PROPOSAL NO. 397, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 397, 1993 on August, 18, 1993. The proposal appropriates \$199,877 for Community Corrections to establish the Craine House Family Living Program funded by state and federal grants. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 397, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Coughenour*

1 NOT PRESENT: *Golc*

Proposal No. 397, 1993 was retitled FISCAL ORDINANCE NO. 66, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Ninety-nine Thousand Eight Hundred Seventy-seven Dollars (\$199,877) in the State and Federal Grants Fund for purposes of the Community Corrections Agency 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 fund the Craine House Family Living Program through a Community Corrections Grant Act Agreement with Marion County.

SECTION 2. The sum of One Hundred Ninety-nine Thousand Eight Hundred Seventy-seven Dollars (\$199,877) 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>
3. Other Services and Charges	<u>\$199,877</u>
TOTAL INCREASE	<u>\$199,877</u>

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>\$199,877</u>
TOTAL REDUCTION	<u>\$199,877</u>

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

PROPOSAL NO. 436, 1993. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 436, 1993 on August 9, 1993. The proposal elects to fund Metropolitan Emergency Communications Agency in 1994 with County Option Income Tax revenues. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 436, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 436, 1993 was retitled SPECIAL ORDINANCE NO. 11, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 1993

A SPECIAL ORDINANCE election to fund MECA in 1994 with County Option Income Tax Revenues.

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

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 1994, the City-County Council, prior to September 1, 1993, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:



August 23, 1993

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

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 1994 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

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

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 95, 1993. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 95, 1993 on August 9, 1993. The proposal, sponsored by Councillor Smith, urges the Indiana General Assembly to transfer property tax controls to county authority and the electorate. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Curry moved, seconded by Councillor Borst, to strike. Proposal No. 95, 1993 was stricken by unanimous voice vote.

[Clerk's Note: Proposal No. 304, 1993 was moved down on the agenda until a corrected committee version could be distributed to the Council members.]

PROPOSAL NO. 351, 1993. The proposal, sponsored by Councillors Mullin and SerVaas, urges the adoption of Daylight Saving Time (DST). Councillor Mullin asked for consent to postpone Proposal No. 351, 1993 until the October 11, 1993 Council meeting. Councillor West asked why it should be postponed. Councillor Mullin withdrew his motion to postpone.

Councillor Curry said that he voted on the minority side on Proposal No. 351, 1993, so he asked Councillor West to give the Committee report. Councillor West reported that the Rules and Public Policy Committee heard Proposal No. 351, 1993 on August 9, 1993. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West stated that a number of business groups throughout the state support this proposal. Councillor West moved, seconded by Councillor Mullin, for adoption.

Councillor Dowden said that Indiana used to be on Central Standard Time (CST). He would support this proposal if it would induce the General Assembly to pass legislation to put Indiana back on CST and then go on DST.

Councillor Mullin stated that Indiana is on Eastern Standard Time with the exception of five northwest and five southwest counties.

Councillor Boyd said that this resolution gives the State Legislature another perspective as to what some people in central Indiana think about DST. He voiced his support of the proposal.

The President passed the gavel to Councillor West.

The President stated that he believes that (1) the businesses in central Indiana are more and more oriented to the east coast and particularly Wall Street, and (2) with so many working families today an extra hour of daylight in the evening would be desirable.

Councillor West returned the gavel to the President.

Proposal No. 351, 1993 was adopted on the following roll call vote; viz:

21 YEAS: *Beadling, Black, Boyd, Coughenour, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Short, West, Williams*

7 NAYS: *Borst, Brents, Curry, Dowden, Schneider, Shambaugh, Smith*

1 NOT PRESENT: *Golc*

Proposal No. 351, 1993 was retitled SPECIAL RESOLUTION NO. 55, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1993

A SPECIAL RESOLUTION urging the adoption of Daylight Saving Time.

WHEREAS, Daylight Saving Time (DST) adds an hour of daylight to the evening; and

WHEREAS, DST was conceived by Benjamin Franklin to save candles, and was used in the United States during World Wars I and II for energy conservation; and

WHEREAS, the federal Uniform Time Act of 1966 required those states which observe DST to standardize the two dates a year when all the clocks change, but continued to allow states the option of adopting DST; and

WHEREAS, Indiana is now a confusing island of different official and unofficial time zones; and only Arizona and most of Indiana are not on Daylight Saving Time; and

WHEREAS, advantages of adopting DST include pedestrian and vehicle traffic safety, more evening parks and recreational activity and sales, increased productivity and less confusion with Indiana joining in step with the rest of the nation, eliminating the disruption of television programming including newscasts and lost TV advertising, allow more youth after-school athletic and other programs in daylight, likely lower crime in the evening by creating a safer working environment for retailers such as convenience stores, and improved communications in the financial institutions between home offices and branches in other states with DST as well as business activity with the New York Stock Exchange; and

WHEREAS, it is more simple to change clocks than it is to alter lifestyles twice a year; now, therefore:

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

SECTION 1. The Indianapolis City-County Council urges the Indiana General Assembly to pass legislation to give Hoosier residents more daylight time in the evenings and to synchronize Indiana's time zone with the rest of the U.S.A. on Daylight Saving Time.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 304, 1993. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 304, 1993 on July 13 and August 9, 1993. The proposal, sponsored by Councillors Coughenour, Beadling, Borst, Boyd, Curry, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, SerVaas, Short, Smith and Williams, amends the Code concerning smoking restrictions. At the July 13th Committee hearing there were a number of people who testified for and against the proposal, and there were also a number of petitions filed both for and against the ordinance. At the August 9th Committee hearing the proposal was amended to define specifically what local government

buildings would not be included in the ordinance. The local government buildings which are not included in this ordinance are:

- (1) buildings owned or controlled by township trustees, the Marion County Healthcare Center, or independent municipal corporations having jurisdiction in Marion County,
- (2) residential dwelling units occupied as private residences under agreements with the City or County, including public housing units,
- (3) those portions of the County Jail or other buildings used primarily as the living areas of inmates or other detainees,
- (4) any buildings of the City or County occupied entirely by private businesses.

Councillor Curry further stated that by a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Coughenour, for adoption.

Councillor Coughenour moved to delete the last two sentences in Sec. 20-207. This motion was seconded by Councillor Gilmer

Councillor Moriarty asked if there will be any penalties for people who continue to smoke in the building. Mark Mertz, Assistant Counsel, Office of Corporation Counsel, stated that the penalties would be between \$1 and \$2,500.

Councillor Coughenour's motion passed by unanimous voice vote.

Councillor Ruhmkorff moved to substitute the following for Proposal No. 304, 1993:

#### ARTICLE VIII. SMOKING RESTRICTIONS

*Sec. 20-201. Policy to restrict tobacco smoking.*

To reduce the annoyance and health risks to nonsmokers from exposure to tobacco smoke, smoking (as herein defined) is restricted in certain local government buildings as provided in this article.

*Sec. 20-202. Definitions.*

As used in this article, the following terms shall mean:

- (a) *Local government building* shall mean any enclosed structure, or room therein, which is owned, leased or controlled by the City of Indianapolis or Marion County or any of their departments or agencies, including courts, and which is used or occupied for governmental purposes.
- (b) *Public service area* means any room, corridor or similar confined area, wherein the public is required or directed to transact business with local governmental officials.
- (c) *Public assembly area* means any room regularly used for public meetings conducted by officials of Indianapolis or Marion County.
- (d) *Responsible official* means the official responsible for the maintenance of a local government building or the landlord of such building if it is leased ~~(i) the director of a city department with respect to offices under his or her control; (ii) the elected official as to his or her office; (iii) the judge as to his or her courtroom and court office; (iv) the mayor or the mayor's designee as to any other city or~~



~~county agency, and (v) the city-county council as to shared public assembly areas and as to council staff offices.~~

- (e) *Work area* means those portions of a public building used primarily as private offices or work space for employees of the city or county, and not normally accessible by the public except by specific invitation to confer with a public employee.
- (f) *Smoking* means the use of lighted tobacco in the form of a cigarette, cigar or similar item or in a pipe or similar smoking equipment, by inhaling and exhaling the smoke of the tobacco, and includes the holding and carrying of such items when burning.

*Sec. 20-203. Smoking prohibited in public service areas; ~~exception.~~*

- (a) Smoking is hereby prohibited in any all local government buildings in all public service areas, ~~except as provided in subsection (b) except in designated smoking areas.~~
- (b) ~~Smoking shall be permitted in the public seating and common area on the first floor of the police wing of the City-County Building and other areas on the first floor of the police wing of the City-County Building where designated by the director of the department of public safety; provided however, such director shall designate a portion of the public area on such floor as an area in which smoking is prohibited.~~

*Sec. 20-204. Smoking limited in public assembly areas.*

Smoking is prohibited in any public assembly area of any local government building, ~~except in portions thereof designated as smoking areas. The responsible official may designate a portion of a public assembly area as a smoking permitted area.~~

*Sec. 20-205. Smoking restrictions in work areas authorized.*

The responsible official shall designate a portions of work areas each local government building under his or her control as a nonsmoking areas. ~~If designated and posted as "nonsmoking" or "smoking prohibited," it shall be unlawful to smoke in such areas.~~ The responsible official shall give due consideration ~~not only to his or her personal preferences but attempt~~ to reasonably accommodate ~~both nonsmoking and smoking employees~~ by designating one or more convenient areas of each local government building as smoking areas or lounges of a size adequate to accommodate employees and visitors who choose to smoke.

*Sec. 20-206. Posting of smoking regulations.*

The responsible official having control of a local government building or portions thereof regulated under this article shall make every reasonable effort to designate smoking and nonsmoking areas by:

- (a) Posting signs prohibiting or permitting smoking as appropriate under this article. ~~Signs shall be conspicuously posted at each entrance and in prominent places throughout the local government building. The boundary between a smoking and nonsmoking area shall be clearly designated so that persons may differentiate between the two (2) areas.~~
- (b) Every reasonable effort shall be made to inform the public when a designated smoking area is available for their preference.
- (c) Every reasonable effort shall be made to inform the public that smoking is prohibited in designated no-smoking areas.
- (d) ~~Every reasonable effort shall be made to inform the public that there are organizations available which provide self-help programs for individuals who desire to quit smoking.~~
- (ed) Any other means which may be appropriate.

*Sec. 20-207. Penalties for violation.*

Any person smoking in an area where prohibited by the provisions of this article and posted as a no-smoking area and who continues smoking after being asked to stop smoking, shall be subject to penalties for violations

of city ordinances. The penalty for the first and second violation shall be a fine of twenty-five dollars (\$25.00); provided, however, the court may suspend such penalty if the violator attends a free, no-smoking clinic, if available, or donates three (3) hours of community service work in the cancer ward of a local hospital. Subsequent violations shall be subject to the penalties in section 1-8 of this Code.

Councillor Black seconded the motion.

Councillor Moriarty asked if currently there are designated smoking areas in the building. Councillor Ruhmkorff responded in the affirmative, but said that it was her understanding that the smoke in the present designated areas were bothering some people.

Councillor Ruhmkorff moved to delete the last two sentences in Sec. 20-207 from her substitute version of Proposal No. 304, 1993.

Councillor Dowden moved to return Proposal No. 304, 1993 to committee. This was seconded by Councillor Gilmer.

Councillor Coughenour stated that there have been two committee hearings on this issue and that the language in the amended Committee version has been before the council since the end of July. She feels that the proposal deserves a vote at this Council meeting.

The President called for a vote on Councillor Dowden's motion. This motion failed by the following roll call vote; viz:

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

Councillor Ruhmkorff's motion to amend her substitute version by deleting certain language passed by a unanimous voice vote.

Councillor Williams asked if there are areas in this building that are adequately ventilated to remove smoke and to assure persons that there is no potential damage from passive smoke. Ron Reinking, Administrator, Building Authority, replied that there are no areas in the building that have extra ventilation that would address that problem.

Councillor McClamroch asked Councillor Ruhmkorff if there is anything in her substitute version that would require that the designated smoking areas be in separate rooms. Councillor Ruhmkorff replied that she was informed that she could not pick the locations for the smoking areas. Building Authority would decide where the designated smoking sections would be located. Her version states that the smoking areas or lounges should be of a size adequate to accommodate employees who smoke.

Councillor Coughenour stated that there are more than 4,000 chemical compounds in tobacco smoke and at least 43 of these are known to cause cancer. Non smokers who are exposed to cigarette smoke have in their body fluids significant amounts of nicotine, carbon monoxide and other evidence of passive smoke. She said that she prepared this proposal at the request of people who work in this building who, even though there are designated smoking areas, are still very much bothered by the smoke in the air that is circulated in this building. She

said she worked with Mr. Reinking and the Mayor's Office and both are supportive of creating a smoke-free workplace. She feels that the Council owes the people in this building who are sensitive to smoke a smoke-free workplace.

Councillor Borst asked (1) how much it would cost to ventilate the designated smoking areas so that people would not have to leave the building to smoke, and (2) if areas will be provided where people can go to smoke if this proposal passes. Mr. Reinking replied that (1) he had no figures on equipping the building with better ventilation, and (2) that the only guidelines made were to have it a distance of at least ten feet from any major entrance with the recommendation that the south plaza could be used in good weather.

Councillor Beadling stated that she would like Building Authority to designate a couple of areas that are non office and non conference rooms for the smokers. She said she would like these people to be able to go somewhere where it is safe and ventilated, and she did not want them to have to go outside in subzero temperatures to smoke.

Councillor Franklin said the City-County Building is owned by the taxpayers and some of those taxpayers do smoke.

Councillor O'Dell asked Mr. Reinking if the air ventilation system is inadequate. Mr. Reinking said the air ventilation is not inadequate. Air quality tests have been done and the air has proven to be satisfactory and the building does meet all the code regulations for ventilation.

Councillor Williams said that she believes that an individual does have the right to smoke, but basic government courses teach that an individual's rights stop when they begin to infringe on other person's rights. The literature is overwhelming in support of the fact that passive smoke is dangerous. No where in this building can a group of smokers go and guarantee that no one else is going to be affected by passive smoke.

Councillor Rhodes stated that he opposes this proposal because it does not provide for areas where smokers can go and smoke.

Councillor Hinkle said that he does indulge in certain passive smoking of his own choosing, but he is not required to spend 40 hours a week in that kind of atmosphere.

Councillor Giffin stated that he agrees with Councillor Williams in that the one thing that the Council has to address is the matter of passive smoke. It has been proven that passive smoke is dangerous. Workers exposed to second-hand smoke on the job are 34% more likely to get lung cancer. Four and a half million American workers experience great discomfort from second-hand smoke. Eighty-six percent of businesses in this country have addressed this issue in corporation policies. He said he had members of his family lost to lung cancer. Most medical journals and most medical surveys indicate that second-hand smoke is very damaging and very detrimental to a person's health. He applauded Councillor Coughenour on her work on this proposal. The Council has to have the courage to move forward and support Councillor Coughenour's proposal and defeat Councillor Ruhmkorff's efforts to dilute it further by her substitute version.



Councillor West stated that the State of Indiana has long been trying to move in the direction of having no smoking in public buildings. The state law reads that there shall be no smoking in public buildings but that certain areas could be designated as smoking areas. It has been tried in the City-County Building to have just designated areas. It has not worked because there are still considerable employee problems. There should be concern for those people who are most susceptible, not least susceptible, to smoking. He urged the Council to get behind the state's general efforts and pass this proposal.

Councillor Schneider stated that he will be voting in opposition to this proposal because it puts more power in the hands of government.

Councillor Jimison stated that if Councillor Ruhmkorff's substitute version is passed it will do nothing to change the status quo. Whether or not a person chooses to smoke is their choice; whether or not a person is forced to inhale passive smoke should not be matter of obligation just so a person can have a job. She urged the members to vote against Councillor Ruhmkorff's substitute version and to pass the Committee's amended version because it is needed and necessary.

Councillor Ruhmkorff's substitute amended version of Proposal No. 304, 1993 failed by the following roll call vote; viz:

*11 YEAS: Beadling, Black, Boyd, Brents, Dowden, Franklin, O'Dell, Rhodes, Ruhmkorff, Schneider, Short*

*17 NAYS: Borst, Coughenour, Curry, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, SerVaas, Shambaugh, Smith, West, Williams*

*1 NOT PRESENT: Gole*

Councillor Dowden moved to amend Sec. 20-202(a) by deleting the phrase "and which is used or occupied for governmental purposes" and delete the phrase in Sec. 20-202(a)(1) "or independent municipal corporations having jurisdiction in Marion County." He said if the Council is courageous and really concerned about the health of the citizens then they will take this action. Councillor Beadling seconded this motion.

Councillor West stated that the Council cannot make decisions for municipal corporations. The state law states that there shall be no smoking in public buildings, but the governmental entity may make a decision to have restrictive areas as long as it is not a public service area. The municipal corporations have to make their own decisions and for the Council to make a law for them would be the same as if it was making a law for another county. For this reason he asked that the Council not confuse the situation by stating that it is going to make a ruling for the municipal corporations when it is their responsibility to make their own decisions under state law.

Councillor Dowden said that he would like a legal clarification on that issue. Robert Elrod, General Counsel, said that, in his opinion, the answer is not clear. Under state statute the right of prohibition of smoking in governmental buildings allows a responsible official in charge of that local governmental building to designate smoking areas. He said that the question raised by Councillor Dowden's amendment is whether the Council can make regulations concerning public health. In his opinion, if it prohibits smoking only in buildings owned or controlled by governmental agencies, this classification may be too narrow to not be

discriminatory. Whether or not a court would deem that to be a reasonable classification he was not prepared to say at this time.

Councillor Dowden stated that he interprets that to say that his amendment is in order, that it is legal and that Council has the power to prohibit smoking in government buildings. Mr. Elrod stated that he thinks it would be challenged, but that he thinks the council has the right to make public health regulations, if that is what this amendment is deemed to be.

Councillor Giffin spoke in opposition to Councillor Dowden's amendment. Councillor Giffin said that he believes that passing ordinances in governing is the art of the possible. This proposal was a carefully thought-out and crafted ordinance and he feels that it is ill-suited for the Council to undo the work that has been done in committee hearings and understandings with trustees and segments of governments. He urged the Council to defeat Councillor Dowden's motion.

Councillors Borst and Short both stated that they support Councillor Dowden's amendment because they would like to see all the public buildings such as Hoosier Dome, Convention Center and Market Square Arena smoke-free.

Councillor West stated that he wants to be sure that the Council does not jeopardize the entire proposal by having something included in it that is illegal. This could happen if Councillor Dowden's amendment is passed. Also during the committee hearings on this proposal the municipal corporations were told that they were not included in this proposal. If they are now included, they would never have a chance to testify. He urged the council not to pass something that did not receive an adequate hearing.

Councillor Coughenour stated that if this issue is brought up at a later date, she would be more than happy to co-sponsor it. She urged the Councillors to vote Councillor Dowden's amendment down because she believes it is an obvious effort to sabotage the proposal.

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

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

Councillor Williams moved the question. This was seconded by Councillor Gilmer. This motion passed by majority voice vote.

Proposal No. 304, 1993, as amended, was adopted by the following roll call vote; viz:

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

The President stated that some provisions need to be made for smokers so that the front of the City-County Building does not become uninhabitable. He hopes that Mr. Reinking will find a solution to this problem.

Councillor Gilmer asked for consent to explain his vote. Consent was given. He said he voted for Councillor Dowden's amendment because the worse place in the City for passive smoke, in his opinion, is the Hoosier Dome at half time. He said that avid smokers have told him that they do not go out at half time because they cannot tolerate the smoke.

Councillor Beadling asked for consent to explain her vote. Consent was given. She said that the majority of people that she heard from asked her to vote the proposal down. She hopes that since this proposal passed people do not go into the bathrooms to smoke.

Proposal No. 304, 1993, as amended, was retitled GENERAL ORDINANCE NO. 101, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 1993

A GENERAL ORDINANCE amending Chapter 20, Article VIII of the Code of Indianapolis and Marion County Indiana, concerning Smoking Restrictions.

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

SECTION 1. Section 20-201 of Article VIII of Chapter 20 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. 20-201. Policy to ~~restrict~~ prohibit tobacco smoking.

To reduce the annoyance and health risk to nonsmokers from exposure to tobacco smoke, smoking (as herein defined) is ~~restricted~~ prohibited in certain local government buildings as provided in this article.

SECTION 2. Section 20-202 of Article VIII of Chapter 20 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. 20-202. Definitions.

As used in this article, the following terms shall mean:

- (a) *Local government building* shall mean any enclosed structure, or room therein, which is owned, leased or controlled by the City of Indianapolis or Marion County or any of their departments or agencies, including courts, and which is used or occupied for governmental purposes, provided, however, the following shall not be considered a local government building for purposes of this article:
  - (1) buildings owned or controlled by township trustees, the Marion County Healthcare Center, or independent municipal corporations having jurisdiction in Marion County,
  - (2) residential dwelling units occupied as private residences under agreements with the City or County, including public housing units,
  - (3) those portions of the County Jail or other buildings used primarily as the living areas of inmates or other detainees,
  - (4) any buildings of the City or County occupied entirely by private businesses.
- (b) ~~Public service area means any room, corridor or similar confined area, wherein the public is required or directed to transact business with local governmental officials.~~



~~(c) Public assembly area means any room regularly used for public meetings conducted by officials of Indianapolis or Marion County.~~

~~(d) Responsible official means (i) the director of a city department with respect to offices under his or her control; (ii) the elected official as to his or her office; (iii) the judge as to his or her courtroom; (iv) the mayor or the mayor's designee as to any other city or county agency, and (v) the city-county council as to shared public assembly areas and as to council staff offices.~~

~~(e) Work area means those portions of a public building used primarily as private offices or work space for employees of the city or county, and not normally accessible by the public except by specific invitation to confer with a public employee.~~

~~(f) Smoking means the use of lighted tobacco in the form of a cigarette, cigar or other similar item or in a pipe or similar smoking equipment, by inhaling and exhaling the smoke of the tobacco, and includes the holding or carrying of such items when burning.~~

SECTION 3. Section 20-203 of Article VIII of Chapter 20 of the Code of Indianapolis and Marion County, Indiana, is hereby repealed.

SECTION 4. Section 20-204 of Article VIII of Chapter 20 of the Code of Indianapolis and Marion County, Indiana, is hereby repealed.

SECTION 5. Section 20-205 of Article VIII of Chapter 20 of the Code of Indianapolis and Marion County, Indiana, is hereby repealed.

SECTION 6. Section 20-206 of Article VIII of Chapter 20 of the Code of Indianapolis and Marion County, Indiana, is hereby repealed.

SECTION 7. Section 20-207 of Article VIII of Chapter 20 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. 20-207. Penalties for violation.

~~Any person smoking in an area where prohibited by the provisions of this article and posted as a no-smoking area and in a local government building who continues smoking after being asked to stop smoking, shall be subject to penalties for violations of city ordinances. The penalty for the first and second violation shall be a fine of twenty-five dollars (\$25.00); provided, however, that the court may suspend such penalty if the violator attends a free, no-smoking clinic, if available, or donates three (3) hours of community service work in the cancer ward of a local hospital. Subsequent violations shall be subject to the penalties in section 1-8 of this Code.~~

SECTION 8. (a) The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 9. 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 10. This ordinance shall be in full force and effect on and after January 1, 1994 upon compliance with IC 36-3-4-14.

PROPOSAL NO. 391, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 391, 1993 on August 16, 1993. The proposal transfers and appropriates for the Department of Administration, Equal Opportunity Division, \$10,000 to purchase new computers and printers. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Jimison, for adoption. Proposal No. 391, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 391, 1993 was retitled FISCAL ORDINANCE NO. 67, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Ten Thousand Dollars (\$10,000) in the Consolidated County Fund for purposes of the Department of Administration, Equal Opportunity Division and reducing certain other appropriations for that department.

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 Administration, Equal Opportunity Division to replace outdated computer equipment and software.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) 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:

DEPARTMENT OF ADMINISTRATION	
<u>EQUAL OPPORTUNITY DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	\$10,000
TOTAL INCREASE	\$10,000

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

DEPARTMENT OF ADMINISTRATION	
<u>EQUAL OPPORTUNITY DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	\$10,000
TOTAL REDUCTION	\$10,000

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

PROPOSAL NOS. 401, 402, 403, 405, 406, 407, 408 and 409, 1993. Councillor Gilmer asked for consent to vote on these eight Transportation proposals together. Consent was given. PROPOSAL NO. 401, 1993. The proposal amends the Code by authorizing intersection controls for the Graystone subdivision, Section I (District 23). PROPOSAL NO. 402, 1993. The proposal amends the Code by authorizing a stop sign at National Avenue and Rural Street (District 24). PROPOSAL NO. 403, 1993. The proposal amends the Code by

authorizing a multi-way stop at Temple Avenue and Werges Avenue (District 24). PROPOSAL NO. 405, 1993. The proposal amends the Code by authorizing a stop sign on McFarland Lane at the intersection of McFarland Lane and McFarland Boulevard (District 24). PROPOSAL NO. 406, 1993. The proposal amends the Code by authorizing stop signs at various locations in the vicinity of Morris Street and Alton Avenue (District 17). PROPOSAL NO. 407, 1993. The proposal amends the Code by authorizing a stop sign on Martin Street at the intersection of Martin Street and Weaver Avenue (District 20). PROPOSAL NO. 408, 1993. The proposal amends the Code by authorizing a multi-way stop at the intersection of Aintree Court/Aintree Drive/Steeplechase Drive (District 3). PROPOSAL NO. 409, 1993. The proposal updates the Code for various intersections in the vicinity of Post Road and 25th Street (Districts 5, 12). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 401, 402, 403, 405, 406, 407, 408 and 409, 1993 on August 11, 1993. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Rhodes, for adoption. Proposal Nos. 401, 402, 403, 405, 406, 407, 408 and 409, 1993 were adopted on the following roll call vote; viz:

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

Proposal No. 401, 1993 was retitled GENERAL ORDINANCE NO. 102, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40, Pg. 1	Besinger Pl, Cornwell Ct, & Grey Ridge Blvd	Grey Ridge Blvd	Stop
40, Pg. 1	Benthworth Way & Grey Ridge Blvd	Grey Ridge Blvd	Yield
40, Pg. 4	Grey Ridge Blvd, & Harting Overlook	Grey Ridge Blvd	Yield
40, Pg. 4	Grey Ridge Blvd & Shelbyville Rd	Shelbyville Rd	Stop

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

Proposal No. 402, 1993 was retitled GENERAL ORDINANCE NO. 103, 1993 and reads as follows:



August 23, 1993

CITY-COUNTY GENERAL ORDINANCE NO. 103, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39, Pg. 9	National Av. & Rural St.	None	None

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39, Pg. 9	National Av. & Rural St.	Rural St.	Stop

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

Proposal No. 403, 1993 was retitled GENERAL ORDINANCE NO. 104, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32, Pg. 20	Temple Av & Werges Av	Werges Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32, Pg. 20	Temple Av & Werges Av	None	All Way Stop

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

Proposal No. 405, 1993 was retitled GENERAL ORDINANCE NO. 105, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47, Pg. 2	McFarland Blvd & McFarland Ln	McFarland Blvd	Stop

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

Proposal No. 406, 1993 was retitled GENERAL ORDINANCE NO. 106, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31, Pg. 1	Alton Av & Kansas St	None	None
31, Pg. 1	Alton Av & Lambert St	None	None
31, Pg. 1	Alton Av & Wisconsin St	None	None
31, Pg. 2	Berwick Av & Kansas St	None	None
31, Pg. 2	Berwick Av & Lambert St	None	None
31, Pg. 2	Berwick Av & Wisconsin St	None	None

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31, Pg. 1	Alton Av & Kansas St	Alton Av	Stop
31, Pg. 1	Alton Av & Lambert St	Alton Av	Stop
31, Pg. 1	Alton Av & Wisconsin St	Alton Av	Stop

August 23, 1993

31, Pg. 2	Berwick Av & Kansas St	Berwick Av	Stop
31, Pg. 2	Berwick Av & Lambert St	Berwick Av	Stop
31, Pg. 2	Berwick Av & Wisconsin St	Berwick Av	Stop

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

Proposal No. 407, 1993 was retitled GENERAL ORDINANCE NO. 107, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32, Pg. 14	Martin St & Weaver Av	None	None

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32, Pg. 14	Martin St & Weaver Av	Weaver Av	Stop

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

Proposal No. 408, 1993 was retitled GENERAL ORDINANCE NO. 108, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 1	Aintree Ct, Aintree Dr & Steeplechase Dr	Steeplechase Dr	Stop

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



<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 1	Aintree Ct, Aintree Dr & Steeplechase Dr	None	All Way Stop

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

Proposal No. 409, 1993 was retitled GENERAL ORDINANCE NO. 109, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20, Pg. 2	Boehning St & Roy Rd	Roy Rd	Stop
20, Pg. 8	Post Rd & Roy Rd	Post Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20, Pg.	Routiers Av. & 25th St.	25th St.	Stop

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

PROPOSAL NO. 410, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 410, 1993 on August 11, 1993. The proposal amends the Code by deleting rush hour parking restrictions on Rural Street from Hoyt Street to Massachusetts Avenue (Districts 10, 15, 22). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Jones, for adoption. Proposal No. 410, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 410, 1993 was retitled GENERAL ORDINANCE NO. 110, 1993 and reads as follows:

August 23, 1993

CITY-COUNTY GENERAL ORDINANCE NO. 110, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets; Section 29-269, Parking prohibited at all times on certain designated streets; and Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours.

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

Section 1. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-269, Parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

Rural Street, on the westside,  
from North Street to the first alley south of North Street

Section 2. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SUNDAYS AND HOLIDAYS  
*from 7:00 a.m. to 9:00 a.m.*

Rural Street, on both sides,  
from Keystone Avenue-Rural Street connection to Hoyt Avenue

ON ANY DAY EXCEPT SUNDAYS AND HOLIDAYS  
*from 4:00 p.m. to 6:00 p.m.*

Rural Street, on both sides,  
from Keystone Avenue-Rural Street connection to Hoyt Avenue

ON ANY DAY EXCEPT SUNDAY  
*from 3:00 p.m. to 6:00 p.m.*

Rural Street, on the westside,  
from North Street to Tenth Street

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Rural Street, on the westside, from Tenth Street  
to the first alley north of Tenth Street

Rural Street, on both sides,  
from Nineteenth Street to I-70

Rural Street, on the east side, from the first  
alley south of Washington Street to a point 465 feet  
north of Washington Street

Rural Street, on the eastside, from New York Street  
to a point 250 feet south of New York Street

Rural Street, on the eastside, from Michigan Street  
to a point 150 feet north of Tenth Street

Rural Street, on the eastside, from Hoyt Avenue  
to a point 200 feet north of English Avenue

Rural Street, on the westside, from a point  
200 feet south of English Avenue to a point 200  
feet north of English Avenue

Rural Street, on the westside, from the first  
alley south of Washington Street to the first  
alley north of Washington Street

Rural Street, on the westside, from the first  
alley south of Michigan Street to North Street

Rural Street, on the westside, from Tenth  
Street to a point 150 feet north of Tenth Street

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

PROPOSAL NO. 411, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 411, 1993 on August 11, 1993. The proposal amends the Code by changing the parking restrictions for various locations in the downtown area (Districts 16, 22). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 411, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*5 NOT VOTING: Coughenour, Franklin, Gray, Ruhmkorff, Smith*

*1 NOT PRESENT: Golc*

Proposal No. 411, 1993 was retitled GENERAL ORDINANCE NO. 111, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-294, When time limits and charges shall be in effect.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-294, When time limits and charges shall be in effect, be, and the same is hereby amended by the deletion of the following, to wit:

- (4) Or in places where residential uses exist and the parking is not prohibited in the a.m. peak hour then the parking meters will operate 8:00 a.m. to 6:00 p.m. in the following locations:

*Alabama Street, on the east side, from Michigan Street to Vermont Street;*

*New Jersey Street, on the west side, from Vermont Street to Michigan Street;*

*Vermont Street, on the north side, from New Jersey Street to Alabama Street.*

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-294, When time limits and charges shall be in effect, be, and the same is hereby amended by the addition of the following, to wit:



August 23, 1993

- (5) Or in places where residential uses exist and the parking is not prohibited in the a.m. peak hour, then the parking meters will operate 9:00 a.m. to 5:00 p.m. in the following locations:

*Alabama Street*, on the east side, from Michigan Street to New York Street;

*Massachusetts Avenue*, on both sides, from college Avenue to Delaware Street;

*New Jersey Street*, on both sides, from Michigan Street to Vermont Street;

*North Street*, on the north side, from East Street to New Jersey Street;

*Vermont Street*, on the north side, from Alabama Street to East Street.

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

PROPOSAL NO. 412, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 412, 1993 on August 11, 1993. The proposal amends the Code by authorizing parking restrictions for various locations on West 16th Street (Districts 8, 16, 17). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 412, 1993 was adopted on the following roll call vote; viz:

*21 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Giffin, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short*

*0 NAYS:*

*7 NOT VOTING: Black, Franklin, Gilmer, Ruhmkorff, Smith, West, Williams*

*1 NOT PRESENT: Golc*

Proposal No. 412, 1993 was retitled GENERAL ORDINANCE NO. 112, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 112, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, and Section 29-268, Stopping, standing or parking prohibited at all times on certain designated street.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SUNDAY  
*from 6:00 am to 9:00 am and  
from 3:00 pm to 6:00 pm*

Sixteenth Street, on both sides, from  
Northwestern Avenue to the west city limits

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-268, Stopping, standing and parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Sixteenth Street, on both sides,  
from Dr. Martin Luther King Jr. Street  
to a point 160 feet west of Main Street

Sixteenth Street, on both sides,  
from Lynhurst Drive to a point 82 feet  
east of Gerrard Avenue

Sixteenth Street, on both sides,  
from a point 185 feet west of Winton Street  
to a point 200 feet east of Winton Street

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

PROPOSAL NOS. 413, 414 and 416, 1993. Councillor Gilmer asked for consent to vote on these three transportation proposals together. Consent was given. PROPOSAL NO. 413, 1993. The proposal amends the Code by authorizing parking restrictions on Drover Street from Oliver Street to Henry Street (District 25). PROPOSAL NO. 414, 1993. The proposal amends the Code by decreasing the speed limit on Madison Avenue from Stop 10 to County Line Road South from 45 mph to 40 mph (Districts 20, 24). PROPOSAL NO. 416, 1993. The proposal amends the Code by authorizing weight limit restrictions on Bertha Street east of Lynhurst Drive (District 17). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 413, 414 and 416, 1993 on August 11, 1993. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Mullin, for adoption. Proposal Nos. 413, 414 and 416, 1993 were adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Franklin, Smith*

1 NOT PRESENT: *Golc*

Proposal No. 413, 1993 was retitled GENERAL ORDINANCE NO. 113, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 113, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Drover Street, on the eastside,  
from Oliver Street to Henry Street (vacated)

Drover Street, on the westside, from Oliver Street  
to a point 535 Feet north of Oliver Street

Drover Street, on the westside, from a point  
635 feet north of Oliver Street to Henry Street (vacated)

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

August 23, 1993

Proposal No. 414, 1993 was retitled GENERAL ORDINANCE NO. 114, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 114, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

45 MPH

Madison Avenue, from  
Stop 10 Road to County Line Road South

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

40 MPH

Madison Avenue, from  
Stop 10 Road to County Line Road South

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

Proposal No. 416, 1993 was retitled GENERAL ORDINANCE NO. 115, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 115, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Bertha Street, from  
Lynhurst Drive west to Hardin Boulevard

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11 POUNDS GROSS WEIGHT

Bertha Street, from  
Auburn Street west to Hardin Boulevard

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



**ANNOUNCEMENTS AND ADJOURNMENT**

The following motion for adjournment was requested by:

- \* Councillor Hinkle in memory of John P. Willen
- \* Councillor Beadling in memory of Teresa Jean Hawkins
- \* Councillor Beadling in memory of Gene L. Jackson
- \* Councillors SerVaas, West and Boyd in memory of Dr. Harold Shane
- \* Councillors SerVaas, West and Boyd in memory of Art Detherage, Sr.
- \* Councillor Boyd in memory of William L. Thomas
- \* Councillor Boyd in memory of Andrea Suggs Hardin Steele

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of John P. Willen, Teresa Jean Hawkins, Gene L. Jackson, Dr. Harold Shane, Art Detherage, Sr., William L. Thomas and Andrea Suggs Hardin Steele. Councillor Boyd respectfully asked for the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family of each person advising of this action. Councillor West seconded the motion and it passed by unanimous voice vote.


There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:22 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 23rd day of August 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)