

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

**REGULAR MEETINGS  
MONDAY, OCTOBER 25, 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 7:06 p.m. on Monday, October 25, 1993, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Hinkle introduced former Councillor Holley Holmes and Ann Glass, a member of the Wayne Township Board.

Councillor Gilmer recognized Maria Pimentel-Gannon, President of the Pike PTA (Parent Teacher Association) Council and Vice-President of the Marion County PTA Council. Ms. Pimentel-Gannon thanked the City-County Council for the recent appropriation of \$1,370 for the Red Ribbon Celebration which promotes drug free education sponsored by the Marion County PTA.

Councillor McClamroch acknowledged the presence of Urban Merl, a member of the Marion County Liquor Board.

### **OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 25, 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

October 12, 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, October 14, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 549, 550, 551, 553, 554, 555, 557 and 558, 1993, to be held on Monday, October 25, 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:

F.S.S.D. FISCAL ORDINANCE NO. 3, 1993, transferring and appropriating \$1,109,500 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

FISCAL ORDINANCE NO. 73, 1993, 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

FISCAL ORDINANCE NO. 74, 1993, transferring and appropriating \$93,053 for the Clerk of the Circuit Court to transfer the Court Services payroll into the Court Administrator's budget for 1993 and to cover shelving expenses at the juvenile facility

FISCAL ORDINANCE NO. 75, 1993, appropriating \$1,370 for the County Commissioners to cover some of the expense for the Red Ribbon Celebration, which promotes drug free education, sponsored by the Marion County Parent Teachers Association

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FISCAL ORDINANCE NO. 76, 1993, appropriating \$66,000 for the Prosecuting Attorney to continue the Adult Protective Services for the 1994 fiscal year funded by a state grant

FISCAL ORDINANCE NO. 77, 1993, appropriating \$7,754 for the Prosecuting Attorney for the Adult Protective Services which is a supplement to the annual state grant

FISCAL ORDINANCE NO. 78, 1993, transferring and appropriating \$950 for the Superior Court, Criminal Division, Room Four, to cover maintenance contracts and postage expense

GENERAL ORDINANCE NO. 117, 1993, amending the Code by changing the speed limit on Georgetown Road from Lafayette Road to 79th Street from 45 mph to 40 mph (Districts 1, 9)

GENERAL ORDINANCE NO. 118, 1993, amending the Code by establishing that vehicles used in an act of prostitution are public nuisances

GENERAL ORDINANCE NO. 119, 1993, amending the code by establishing that vehicles used in an act of prostitution which are public nuisances may be abated by sale at a public auction

GENERAL ORDINANCE NO. 121, 1993, amending Articles II and III of Chapter 221 of the Code by changing the name of the central equipment management division to Indianapolis Fleet Services division.

GENERAL ORDINANCE NO. 122, 1993, amending the Code by repealing Section 6-11 concerning milk cows

GENERAL ORDINANCE NO. 123, 1993, amending the Code by repealing Section 17-932 concerning pigeon eradication

GENERAL ORDINANCE NO. 124, 1993, amending the Code by (1) increasing the speed limit on Harding Street from Kentucky Avenue to Oliver Street from 35 mph to 40 mph, and (2) authorizing a traffic signal at Harding Street and Howard Street (Districts 17, 25)

GENERAL ORDINANCE NO. 125, 1993, amending the Code by authorizing a traffic signal at Center Run Road (8350 N) and Venture/Castle Plaza Drive (District 4)

GENERAL ORDINANCE NO. 126, 1993, amending the Code by authorizing intersection controls for the Parc Estates subdivision (District 18)

GENERAL ORDINANCE NO. 127, 1993, amending the Code by authorizing stop signs for the New Heritage subdivision (District 19)

GENERAL ORDINANCE NO. 128, 1993, amending the Code by authorizing intersection controls for the Oakforge Woods subdivision (District 9)

GENERAL ORDINANCE NO. 129, 1993, amending the Code by authorizing intersection controls for the Westwood subdivision (District 18)

GENERAL ORDINANCE NO. 130, 1993, amending the Code by authorizing stop signs for the Killdeer Drive subdivision (District 24)

GENERAL ORDINANCE NO. 131, 1993, amending the Code by authorizing stop signs for the Rolling Ridge Pines subdivision (District 4)

GENERAL ORDINANCE NO. 132, 1993, amending the Code by authorizing stop signs for the Summer Hill subdivision (District 23)

GENERAL ORDINANCE NO. 133, 1993, amending the Code by authorizing stop signs for the Washington Industrial Park (District 19)

GENERAL ORDINANCE NO. 134, 1993, amending the Code by authorizing a traffic signal at German Church Road and 21st Street (District 12)

GENERAL ORDINANCE NO. 135, 1993, amending the Code by authorizing a multi-way stop at 84th Street and Pennsylvania Street (District 2)

GENERAL ORDINANCE NO. 136, 1993, amending the Code by authorizing a multi-way stop at 61st Street and Sherman Drive (District 7)

GENERAL ORDINANCE NO. 137, 1993, amending the Code by authorizing a multi-way stop at Michigan Street and Eaton Avenue (District 13)

GENERAL ORDINANCE NO. 138, 1993, amending the Code by authorizing a multi-way stop at 65th Street and Westfield Boulevard (Districts 2, 7)

GENERAL ORDINANCE NO. 139, 1993, amending the Code by authorizing a multi-way stop at Sugar Grove Avenue and 21st Street (District 16)

GENERAL ORDINANCE NO. 140, 1993, amending the Code by authorizing a multi-way stop at Ohio Street and Pershing Avenue (District 17)

GENERAL ORDINANCE NO. 141, 1993, amending the Code by deleting rush hour parking restrictions for various downtown locations (Districts 16, 22)

GENERAL ORDINANCE NO. 142, 1993, amending the Code by authorizing parking restrictions on Franklin Road from Pendleton Pike to 52nd Street (Districts 5, 11, 14)

GENERAL ORDINANCE NO. 143, 1993, amending the Code by changing the speed limit on 34th Street from Lafayette Road to High School Road from 30 mph to 35 mph (District 8)

GENERAL RESOLUTION NO. 18, 1993, authorizing the direct payment of township poor relief claim vouchers by trustees

SPECIAL RESOLUTION NO. 65, 1993, remembering IPD Officer Teresa Jean Hawkins

SPECIAL RESOLUTION NO. 66, 1993, recognizing the services of Mark Howell

SPECIAL RESOLUTION NO. 67, 1993, condemning unfunded federal mandates

SPECIAL RESOLUTION NO. 68, 1993, an Inducement Resolution for Sunrise Housing, Ltd, in an amount not to exceed \$5,500,000 for the acquisition, renovation and equipping of existing multi-family residential rental facilities located at 47th and Georgetown Road

SPECIAL RESOLUTION NO. 69, 1993, authorizing the transfer of lawn-mowing equipment from the Department of Administration to the Executive Council of Senior High Rise Communities, Inc. for use in maintaining Public Housing Division properties

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 October 11, 1993. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 597, 1993. This proposal, sponsored by Councillors Borst and Coughenour, remembers Lynn Druding. Councillor Coughenour read the resolution and presented copies of the document to members of Ms. Druding's family. Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 597, 1993 was adopted by unanimous voice vote.

Proposal No. 597, 1993 was retitled SPECIAL RESOLUTION NO. 70, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 70, 1993

A SPECIAL RESOLUTION remembering Lynn Druding.

WHEREAS, Mrs. Lynn Garrison Druding was the Special Assistant (and close confidant) to former Indianapolis Mayor William H. Hudnut III from 1976 to 1991, and had served as the Manager of his District Office when Hudnut was a U.S. Congressman in the early 1970's; and

WHEREAS, after graduating magna cum laude from Western College in Oxford, Ohio, she worked for Lilly Research Laboratories, state government and the Beech Grove Schools; and

WHEREAS, being civic minded and choosing to try to help her beloved southside, Mrs. Druding was Presidents of the Parent-Teacher Organizations of Beech Grove Central Elementary School and High School, as well as the Beech Grove Jaycees Wives and Library Board, was a Girl Scout leader for eleven years, was a Precinct Committeeman and was the Beech Grove Republican Vice Ward Chairman for 27 years.

WHEREAS, while in the Mayor's Office she acted upon literally thousands of calls, hand scribbled notes and letters from citizens throughout the city who reported street signs down, chuckholes and dozens of other requests where this one lady every day expedited governmental services for the community, and for local officials; 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 with sadness the loss of Mrs. Lynn Garrison Druding.

SECTION 2. She lived a full and exemplary life of volunteer and public service--a life that stands as a model of good citizenship.

SECTION 3. The Council expresses its heartfelt condolences to Mrs. Druding's daughter Nancy Ramey, son Randy Druding, her brother Max Garrison and to her grandchildren.

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. 598, 1993. This proposal, sponsored by Councillor Beadling, recognizes Raymond F. Benjamin and the St. Vincent de Paul Society. Joining Ms. Beadling at the podium were Councillor O'Dell; Robert Landwerlen, President, St. Vincent de Paul Society; William Campbell, Chairman, Finance Center Federal Credit Union; Jack McCool, Director, Finance Center Federal Credit Union; and Rita Euers, Marketing Director, Finance Center Federal Credit Union. Councillor Beadling read the resolution and presented a copy of the document to Mr. Benjamin, who expressed appreciation for the recognition. Messrs. Landwerlen, Campbell and McCool commended Mr. Benjamin on his work with the Society. Also present were a number of friends of Mr. Benjamin. Councillor Beadling moved, seconded by Councillor O'Dell, for adoption. Proposal No. 598, 1993 was adopted by unanimous voice vote.

Proposal No. 598, 1993 was retitled SPECIAL RESOLUTION NO. 71, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 71, 1993

A SPECIAL RESOLUTION recognizing Raymond F. Benjamin and the Society of St. Vincent de Paul Council of Indianapolis.

WHEREAS, the St. Vincent de Paul Society was founded in 1833 in Paris to help the poor and suffering; and

WHEREAS, in Indianapolis, the Society has been hard at work carrying out this unchanging mission by collecting and distributing household items, clothing and other necessities for the needy; and

WHEREAS, the local Society has outgrown three smaller buildings, and on October 17, 1993, moved into the large former J.C. Hirschman Mattress Co. building on East Maryland Street; and

WHEREAS, Raymond F. Benjamin, retired Director of the Finance Center Federal Credit Union, has served as the Society's Funding Committee Chairman and honorary "Chief Beggar", helped create a 20-year plan that was fulfilled in 15 years, and has been a guiding force within the Indianapolis Society's 1,000 volunteers, 28 food pantries, and now the new warehouse; 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 the Society of St. Vincent de Paul Council of Indianapolis, and its biggest booster, Raymond F. Benjamin.

SECTION 2. Mr. Benjamin reflects the spirit of the Society's volunteers when he said, "Indianapolis has been good to me; if I can help one person, I'm satisfied."

SECTION 3. The Council wishes them well in their new home. Any city with people of vision and industry like Ray Benjamin is truly blessed.

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. 599, 1993. This proposal, sponsored by Councillor Giffin, requests the main meeting room of Krannert Park Family Center be named the Dwight L. Cottingham Room. Joining Mr. Giffin at the podium were Councillors Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith and West. Councillor Giffin read the resolution and presented a copy of the document to Mr. Cottingham, who expressed appreciation for the honor. The following expressed their support for this proposal and commended Mr. Cottingham on his dedication and hard work: President SerVaas, Councillors Boyd, Coughenour and Hinkle, and Ned Kalb, Administrator of Cooperative Extension. Councillor Giffin moved, seconded by Councillor Hinkle, for adoption. Proposal No. 599, 1993 was adopted by unanimous voice vote.

Proposal No. 599, 1993 was retitled SPECIAL RESOLUTION NO. 72, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 1993

A SPECIAL RESOLUTION requesting the main meeting room of Krannert Park Family Center be named the Dwight L. Cottingham Room.

WHEREAS, during a time period which spanned 1967 through 1991, Dwight L. Cottingham served on the Indianapolis City-County Council; and

WHEREAS, for a longer time than that, Mr. Cottingham helped thousands of young people in Wayne Township and throughout the county in the 4-H program; and

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WHEREAS, as an adult 4-H leader, he was a hands-on helper, coach, advisor, and motivator for the youth in the 4-H projects; he willingly gave countless hours of organization and administrative time with the adults; and he steadfastly promoted the 4-H and other youth programs while he was an elected official; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends Dwight L. Cottingham --a respected elected official, "Mr. Everything" in the Marion County 4-H organization, and a tremendous positive influence upon this community's young people in the second half of the Twentieth Century.

SECTION 2. As an expression of thanks for his dedication and hard work, the Council asks the Indianapolis Board of Parks and Recreation to name meeting rooms 2 and 3 in the Krannert Family Center of Krannert Park at 605 South High School Road, the DWIGHT L. COTTINGHAM ROOM.

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. 485, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 485, 1993 on October 20, 1993. The proposal confirms the Marion County Public Defender Board's nomination of Frances Watson Hardy as Marion County Chief Public Defender. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 485, 1993 was adopted by a majority voice vote.

Councillor West introduced Ms. Hardy.

Proposal No. 485, 1993 was retitled COUNCIL RESOLUTION NO. 64, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 1993

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of Frances Watson Hardy as Marion County Chief Public Defender.

WHEREAS, pursuant to Sec. 246-4 of the "Revised Code of the Consolidated City and County", a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the approval of the City-County Council; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of Frances Watson Hardy to serve as Marion County Chief Public Defender; now, therefore:

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

SECTION 1. Frances Watson Hardy is approved and confirmed by the City-County Council to serve as Marion County Chief Public Defender.

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

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 569, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the Lilly Access Drive with Raymond Street approximately 2,200 feet east of Harding Street; said signal shall be the sole responsibility of Lilly, including design.

construction and energy costs (District 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 588, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$25,000 for the County Auditor to provide funds for the Indianapolis Challenge, a local coordinating council promoting a drug-free community"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 589, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$2,500 for the Franklin Township Assessor to purchase new plat books"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 590, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$28,702 for the County Coroner to satisfy an outstanding obligation for contractual services rendered in December of 1992 by University Clinical Pathology Associates, P.C."; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 591, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$128,134 for the Prosecuting Attorney to continue the Victim Assistance Program funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 592, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reallocating \$312,021 to fund the 1993 budget of the Supplemental Public Defender Fees Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 593, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$17,560 for Community Corrections to amend a home detention equipment lease agreement by changing it to a purchase agreement"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 594, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$173,560 for Community Corrections to finance additional home detention units and residential beds funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 595, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$150,666 of Home Detention User Fees for the Community Corrections Agency for operating expenses for the 1993-94 fiscal year"; and the President referred it to the Public Safety and Criminal Justice Committee.



PROPOSAL NO. 596, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the transfer of the Mark DiSuvero "Snow Plow" sculpture to the Indianapolis Museum of Art"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 600, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works for a term ending December 31, 1993"; and the President referred it to the Public Works Committee.

[Clerk's Note: Proposal No. 601, 1993 was withdrawn.]

PROPOSAL NO. 602, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Secs. 8½-2 and 8½-61 of the Code pertaining to definitions and subscribers' rates and charges for cable television services"; and the President referred it to the Administration and Finance Committee.

Councillor Hinkle moved to suspend the rules and hear Proposal No. 600, 1993 at this time. Councillor Short seconded the motion and it passed by unanimous voice vote.

PROPOSAL NO. 600, 1993. The proposal, sponsored by Councillor Coughenour, approves the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works for a term ending December 31, 1993. Councillor Hinkle said that the appointment was discussed at the last Public Works Committee meeting and the Committee unanimously recommends it. Mr. Stayton was introduced and stated that he looks forward to working with the Council. Proposal No. 600, 1993 was adopted by unanimous voice vote.

Proposal No. 600, 1993 was retitled COUNCIL RESOLUTION NO. 65, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 1993

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works for a term ending December 31, 1993.

WHEREAS, pursuant to IC 36-3-3-8 and Sec. 261-11 of the "Revised Code of the Consolidated City and County", a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael B. Stayton to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 1993; now, therefore:

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

SECTION 1. Michael B. Stayton is approved and confirmed by the City-County Council to serve as Director of the Department of Public Works at the pleasure of the Mayor for a term ending December 31, 1993.

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

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 603-612, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on October 22, 1993".

Councillor Brents moved that Proposal No. 605, 1993 be scheduled for a public hearing:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 605, 1993 (Rezoning Petition No. 93-Z-116 (DP-11)) be scheduled for a hearing before this Council at its next regular meeting on November 8, 1993 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

/s/Councillor Brents

Councillor Gray seconded the motion and it passed by unanimous voice vote. Proposal No. 605, 1993 is identified as follows:

93-Z-116 (DP-11) WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 16.  
2940 COLD SPRING ROAD (approximate address), INDIANAPOLIS.  
RIVERSIDE PLACE L.P.-1992, by Philip C. Thrasher, requests the rezoning of 12.509 acres, being in the D-6II and C-1 Districts, to the D-P classification to provide for a 152 apartment unit development with a community building to be used as a daycare facility.

Mr. Elrod read the following announcement:

This Council will hold a public hearing on Rezoning Petition No. 93-Z-116 (DP-11), Council Proposal No. 605, 1993, at its next regular meeting on November 8, 1993, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 12.509 acres at 2940 Cold Spring Road from D-6II and C-1 to DP classification to provide for a 152 apartment unit development with a community building to be used as a daycare facility.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

The Council did not schedule Proposal Nos. 603, 604, 606-612, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 603, 604, 606-612, 1993 were retitled REZONING ORDINANCE NOS. 145-153, 1993 and are identified as follows:

REZONING ORDINANCE NO. 145, 1993. 93-Z-88A PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 02.  
8402 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.  
GREENWALT DEVELOPMENT INCORPORATED, by Thomas Michael Quinn, requests the rezoning of 19.242 acres, being in the D-A, C-1 and C-S Districts, to the C-S classification to provide for a hardware store/home improvement center.

REZONING ORDINANCE NO. 146, 1993. 93-Z-88B PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 2.  
8402 MICHIGAN ROAD (approximate address), INDIANAPOLIS.  
GREENWALT DEVELOPMENT, INC., by Thomas Michael Quinn, requests the rezoning of 6.065 acres, being in the D-1 District, to the C-1 classification to provide for commercial office development.

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REZONING ORDINANCE NO. 147, 1993. 93-Z-119 FRANKLIN TOWNSHIP.  
COUNCILMANIC DISTRICT # 23.  
5350 ELMWOOD AVENUE (approximate address), INDIANAPOLIS.  
EXPO BOWL, INC., by Brian J. Tuohy, requests the rezoning of 1.78 acres, being in the D-3 District, to the C-5 classification to provide for a parking lot for a bowling facility.

REZONING ORDINANCE NO. 148, 1993. 93-Z-122 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 1.  
8750 ZIONSVILLE ROAD (approximate address), INDIANAPOLIS.  
LEARNING TIME PRESCHOOL, INC. requests the rezoning of 2.916 acres, being in the C-S and C-3 Districts, to the C-S classification to provide for preschool, day nursery and kindergarten uses.

REZONING ORDINANCE NO. 149, 1993. 93-Z-134 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 24.  
4098 KILLDEER DRIVE (approximate address), INDIANAPOLIS.  
BASIC AMERICAN INDUSTRIES, INC., by David Retherford, requests the rezoning of 3.51 acres, being in the C-3 and C-6 District, to the C-S classification to provide for development of a self service storage facility.

REZONING ORDINANCE NO. 150, 1993. 93-Z-143 LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT # 5.  
10790 EAST 79TH STREET and 7910 SUNNYSIDE ROAD (approximate address), INDIANAPOLIS.  
RONALD TABAK and GERALD CARRICO requests the rezoning of 6.253 acres, being in the D-A District, to the D-I classification to provide for residential development.

REZONING ORDINANCE NO. 151, 1993. 93-Z-144 DECATUR TOWNSHIP.  
COUNCILMANIC DISTRICT # 19.  
4906 KENTUCKY AVENUE (approximate address), INDIANAPOLIS.  
AMOCO OIL COMPANY, by Stephen D. Mears, requests the rezoning of 2.3 acres, being in the D-3 and D-A Districts, to the C-4 classification to conform zoning to its use.

REZONING ORDINANCE NO. 152, 1993. 93-Z-149 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 24.  
4101 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP OF MARION COUNTY requests the rezoning of 1.53 acres, being in the SU-2 District, to the SU-9 classification to provide for the construction and use of a fire station.

REZONING ORDINANCE NO. 153, 1993. 93-Z-155 (DP-13) WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 3.  
536 WEST 86TH STREET (approximate address), INDIANAPOLIS.  
SIMON-KOSENE VENTURE, by Stephen D. Mears, requests the rezoning of 12.0 acres, being in the D-S District, to the D-P classification to provide for a single-family detached residential cluster community of 25 residences and a maximum density of 2.08 units per acre.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 448, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 448, 1993 on October 20, 1993. The proposal appropriates \$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. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:17 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Golc, for adoption. Proposal No. 448, 1993 was adopted on the following roll call vote; viz:

*22 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, McClamroch, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

6 NOT VOTING: Black, Golc, Jones, Moriarty, Rhodes, Smith

1 NOT PRESENT: Schneider

Councillor Smith stated that he abstained due to a conflict of interest.

Proposal No. 448, 1993 was retitled FISCAL ORDINANCE NO. 79, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 79, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Twenty-five Thousand Six Hundred Dollars (\$25,600) in the State and Federal Grants Fund for purposes of the Domestic Relations Counseling Bureau 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 (uu) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Domestic Relations Counseling Bureau to pay personnel costs for the Visiting Nurse Service.

SECTION 2. The sum of Twenty-five Thousand Six Hundred Dollars (\$25,600) 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>DOMESTIC RELATIONS COUNSELING BUREAU</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>\$25,600</u>
TOTAL INCREASE	<u>\$25,600</u>

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	<u>\$25,600</u>
TOTAL REDUCTION	<u>\$25,600</u>

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

PROPOSAL NO. 449, 1993. The proposal appropriates \$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. Councillor Coughenour asked for consent to postpone Proposal No. 449, 1993 until after the first of the year. Mr. Elrod stated that if the Committee is not going to act upon this proposal this budget year it needs to be stricken and re-introduced in the 1994 budget year. Councillor Coughenour concurred and moved to strike the proposal. Councillor Beadling seconded the motion. Proposal No. 449, 1993 was stricken by a unanimous voice vote.

PROPOSAL NO. 451, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 451, 1993 on October 13, 1993. The proposal appropriates \$4,700,000 for the Department of Transportation (DOT), 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. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer asked E. Mitchell Roob, Jr., Director, DOT, if the resurfacing projects have been identified. Mr. Roob replied that the resurfacing projects will be identified and added to the 1994 summer projects in order to give the utility companies enough lead time, especially with the Capital Improvement Program (CIP).

Councillor Black asked Mr. Roob if minorities are being hired for these projects. Mr. Roob answered that the City has a 10/2 criteria for CIP--10% of the subcontracting is to go to minority-owned businesses and 2% to women-owned businesses. The City also has a training program for minorities and the contractors are to hire workers from this program as part of the bid contract.

Councillor Ruhmkorff stated that last January the Councillors submitted to DOT a list of streets that they wanted resurfaced. She asked if this appropriation will fund any resurfacing that may be completed this year. Mr. Roob replied that this appropriation will be spent on 1994 repaving projects.

Councillor Borst stated that there has not been much repaving in his district. Mr. Roob stated that paving will continue through the end of November and a significant amount of work is being done in Perry Township. Mr. Roob said he will see that Councillor Borst receives a list of the work being done in his district.

The President called for public testimony at 8:28 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Moriarty, for adoption. Proposal No. 451, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 NOT VOTING: Giffin, Gray, Jones*

*1 NOT PRESENT: Schneider*

Proposal No. 451, 1993 was retitled FISCAL ORDINANCE NO. 80, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 80, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City- County Fiscal Ordinance No. 57, 1992) appropriating an additional Four Million Seven Hundred Thousand Dollars (\$4,700,000) in the Transportation General Fund for purposes of the Department of Transportation, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Transportation, Asset Management Division,

to resurface approximately fifty lane miles of streets and set priorities for future infrastructure projects by implementing a countywide inventory of signals, streets and culverts.

SECTION 2. The sum of Four Million Seven Hundred Thousand Dollars (\$4,700,000) 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:

DEPARTMENT OF TRANSPORTATION	
<u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	\$4,700,000
TOTAL INCREASE	\$4,700,000

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	\$4,700,000
TOTAL REDUCTION	\$4,700,000

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

PROPOSAL NO. 452, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 452, 1993 on October 13, 1993. The proposal appropriates \$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. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:29 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 452, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 452, 1993 was retitled FISCAL ORDINANCE NO. 81, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Four Hundred Twenty-one Thousand Dollars (\$421,000) in the Arterial Roads and Streets Fund for purposes of the Department of Transportation, Operations Division and reducing the unappropriated and unencumbered balance in the Arterial Roads and Streets Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Transportation, Operations Division to replace 1993 funds used to pay for 1992 residential thoroughfare and traffic energy bills.

SECTION 2. The sum of Four Hundred Twenty-one Thousand Dollars (\$421,000) 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:

DEPARTMENT OF TRANSPORTATION	
<u>OPERATIONS DIVISION</u>	<u>ARTERIAL ROADS AND STREETS FUND</u>
3. Other Services and Charges	\$421,000
TOTAL INCREASE	\$421,000

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

	<u>ARTERIAL ROADS AND STREETS FUND</u>
Unappropriated and Unencumbered	
Arterial Roads and Streets Fund	\$421,000
TOTAL REDUCTION	\$421,000

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

PROPOSAL NO. 489, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 489, 1993 on October 20, 1993. The proposal appropriates \$370,000 for the County Sheriff to cover food expense for the jail inmates through the end of the year. 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 8:31 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 489, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 489, 1993 was retitled FISCAL ORDINANCE NO. 82, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City- County Fiscal Ordinance No. 57, 1992) appropriating an additional Three Hundred Seventy Thousand Dollars (\$370,000) in the County General Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (z) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to cover a shortfall in food supplies September through December 1993, due to inmate population exceeding numbers budgeted.

SECTION 2. The sum of Three Hundred Seventy Thousand Dollars (\$370,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$370,000</u>
TOTAL INCREASE	\$370,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>\$370,000</u>
TOTAL REDUCTION	\$370,000

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

PROPOSAL NO. 491, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 491, 1993 on October 20, 1993. The proposal appropriates \$18,100 for the Superior Court, Criminal Division, Probation Department, to cover postage, supplies and telephone service expenses. 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 8:33 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 491, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 491, 1993 was retitled FISCAL ORDINANCE NO. 83, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City- County Fiscal Ordinance No. 57, 1992) appropriating an additional Eighteen Thousand One Hundred Dollars (\$18,100) in the Adult Probation Fees Fund for purposes of the Superior Court, Criminal Division, Probation Department and reducing the unappropriated and unencumbered balance in the Adult Probation Fees 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 (ll) 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, Criminal Division, Probation Department to purchase supplies and pay for additional telephone service charges.

SECTION 2. The sum of Eighteen Thousand One Hundred Dollars (\$18,100) 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, CRIMINAL DIVISION  
PROBATION DEPARTMENT

ADULT PROBATION FEES FUND

2. Supplies	\$ 2,000
3. Other Services and Charges	<u>16,100</u>
TOTAL INCREASE	\$18,100

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

ADULT PROBATION FEES FUND

Unappropriated and Unencumbered	
Adult Probation Fees Fund	<u>\$18,100</u>
TOTAL REDUCTION	\$18,100

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

PROPOSAL NO. 549, 1993. The proposal appropriates \$350,000 for the Marion County Healthcare Center to cover additional nursing staff salaries and to pay supplies, patient services and computer repair expenses. Councillor Ruhmkorff asked for consent to postpone Proposal No. 549, 1993 until November 8, 1993. Consent was given.

PROPOSAL NOS. 550 and 551, 1993. PROPOSAL NO. 550, 1993. The proposal appropriates \$15,482 for the County Recorder to cover a 1992 remodeling cost and a payment on the Wang equipment with moneys appropriated in 1992, but not encumbered. PROPOSAL NO. 551, 1993. The proposal appropriates \$12,600 for the County Recorder to cover postage and telephone expenses. Councillor Borst asked for consent to postpone Proposal Nos. 550 and 551, 1993 until November 8, 1993. Consent was given.

PROPOSAL NO. 553, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 553, 1993 on October 20, 1993. The proposal appropriates \$47,189 for the County Sheriff to continue the Victim Assistance Program funded by a state grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty, for adoption. Proposal No. 553, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 553, 1993 was retitled FISCAL ORDINANCE NO. 84, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Forty-seven Thousand One Hundred Eighty-nine Dollars (\$47,189) in the State & 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) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to continue with the Victim Assistance Program.

SECTION 2. The sum of Forty-seven Thousand One Hundred Eighty-nine Dollars (\$47,189) 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	\$37,340
 <u>COUNTY AUDITOR</u>	
I. Personal Services (fringes)	<u>9,849</u>
 TOTAL INCREASE	 \$47,189

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$47,189</u>
TOTAL DECREASE	\$47,189

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

PROPOSAL NO. 554, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 554, 1993 on October 20, 1993. The proposal appropriates \$23,283 for the County Sheriff to continue the Child Abuse Intervention Program funded by a state grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty, for adoption. Proposal No. 554, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: *Schneider*

Proposal No. 554, 1993 was retitled FISCAL ORDINANCE NO. 85, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Twenty-three Thousand Two Hundred Eighty-three Dollars (\$23,283) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State & 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 (z) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to continue funding the Child Abuse Intervention Program.

SECTION 2. The sum of Twenty-three Thousand Two Hundred Eighty-three Dollars (\$23,283) 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>
1. Personal Services	\$18,939
 <u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>4,344</u>
TOTAL INCREASE	\$23,283

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$23,283</u>
TOTAL DECREASE	\$23,283

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

PROPOSAL NO. 555, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 555, 1993 on October 20, 1993. The proposal appropriates \$30,703 for the Marion County Justice Agency to initiate a Pre-Trial Drug Testing program funded by a state grant. 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 8:38 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 555, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 555, 1993 was retitled FISCAL ORDINANCE NO. 86, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Thirty Thousand Seven Hundred and Three Dollars (\$30,703) 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.

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

conducting a program which will screen arrestees for evidence of drug use prior to initial hearing in Municipal Court.

SECTION 2. The sum of Thirty Thousand Seven Hundred and Three Dollars (\$30,703) 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>
1. Personal Services	\$17,253
2. Supplies	10,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>3,450</u>
TOTAL INCREASE	\$30,703

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>\$30,703</u>
TOTAL REDUCTION	\$30,703

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

PROPOSAL NO. 557, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 557, 1993 on October 20, 1993. The proposal, sponsored by Councillor Borst, appropriates \$3,500 for the Superior Court, Criminal Division, Probation Department, to pay for processing urine samples. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Ruhmkorff stated that under Legal Comments for this proposal Mr. Elrod stated, "It is not clear that the Justice Agency has authority to impose this fee." She asked if this has been resolved. Councillor Dowden responded that all the parties involved agreed on this procedure and process.

The President called for public testimony at 8:42 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 557, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 557, 1993 was retitled FISCAL ORDINANCE NO. 87, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Three Thousand Five Hundred Dollars (\$3,500) in the Adult Probation

Fees Fund for purposes of the Superior Court, Criminal Division, Probation Department and reducing the unappropriated and unencumbered balance in the Adult Probation Fees 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 (II) 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, Criminal Division, Probation Department to pay the Marion County Justice Agency \$4 for each urine sample that they process.

SECTION 2. The sum of Three Thousand Five Hundred Dollars (\$3,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

SUPERIOR COURT, CRIMINAL DIVISION	
<u>PROBATION DEPARTMENT</u>	<u>ADULT PROBATION FEES FUND</u>
3. Other Services and Charges	\$3,500
TOTAL INCREASE	\$3,500

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

	<u>ADULT PROBATION FEES FUND</u>
Unappropriated and Unencumbered	
Adult Probation Fees Fund	\$3,500
TOTAL REDUCTION	\$3,500

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

PROPOSAL NO. 558, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 558, 1993 on October 21, 1993. The proposal approves a loan agreement and a note between the City and the Local Public Improvement Bond Bank in the amount of \$20,000,000 and appropriates said funds (Barrett projects). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coughenour stated that Barrett Law projects can be initiated by property owners, the Marion County Health and Hospital, or the Department of Public Works. The Barrett Law process provides a joint funding effort between the City and property owners who are benefiting from these improvements, i.e., sewers. The City will now pay the contractors up front from DPW approved funds, payments made by property owners, or funds provided by this loan agreement. The bids should come in twenty to thirty-five percent lower. Property owners can choose the following options to pay their portion of these improvements:

1. pay prior to the commencement of construction,
2. pay after the construction is completed, or
3. pay their assessment plus 7% interest over ten years by signing Barrett Law waivers.

Councillor Moriarty asked if there is a term on the bond. James Snyder, Executive Director, Indianapolis Local Public Improvement Bond Bank, stated that there is a ten-year term. He said that the goal is to save the construction costs and reduce the assessments to the homeowners.

Councillor Moriarty asked if taxpayers will pay for this through property taxes. James Steele, Jr., City Controller, replied that with the ten-year wavier plan property owners will be billed

annually by the Controller's Office. This is a bill separate from property taxes, and due either in May or November.

Councillor Boyd urged the passage of this ordinance because it seems like a win-win situation. He believes that there will be a better opportunity for minority and small contractors to participate in these projects because of the cash-flow situation.

The President called for public testimony at 8:56 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 558, 1993 was adopted on the following roll call vote; viz:

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

Councillor Rhodes said although he supports the project, he will have to abstain due to a conflict of interest.

Proposal No. 558, 1993 was retitled SPECIAL ORDINANCE NO. 13, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 13, 1993

A SPECIAL ORDINANCE of the City of Indianapolis (the "City") authorizing the issuance of its City of Indianapolis Barrett Projects Note, Series 1993A (the "Note"), an obligation of the City in the aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000), payable by Barrett Bonds issued by the City or from other moneys which may be available therefor, and approving and authorizing other actions in respect thereto.

WHEREAS, the City has been duly established and exists as a consolidated city of the first class in the State of Indiana pursuant to IC 36-3-1, et seq. and has been granted home rule powers by IC 36-1-3, et seq.; and

WHEREAS, the Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") is a public body corporate and politic, not a state agency, but an independent public instrumentality exercising essential public functions created under IC 5-1.4, et seq., as amended (the "Act"); and

WHEREAS, the City is a Qualified Entity (as defined in the Act).

WHEREAS, the Bond Bank is authorized under the Act to make loans to Qualified Entities; and

WHEREAS, the City is authorized to issue and sell the Note to the Bond Bank in accordance with IC 5-1.4-8-6; and

WHEREAS, pursuant to the authority granted under the Act and other applicable provisions of law, the Bond Bank has agreed to loan to the City an amount necessary to enable the City to finance certain of the Costs of Construction of the Barrett Projects (both as defined in the Loan Agreement) on a current and continuing basis; and

WHEREAS, the City desires to borrow pursuant to the Loan Agreement (the "Loan Agreement") attached hereto as Appendix A the Loan Amount (as defined in the Loan Agreement) from the Bond Bank subject to the terms and conditions of and for the purposes set forth herein; and

WHEREAS, the City intends to issue its Note to evidence its borrowing from the Bond Bank; and

October 25, 1993

WHEREAS, the City will through its Department of Public Works, or any successor thereto, use the proceeds from the sale of the Note to pay the Costs of Construction of the Barrett Projects on a monthly basis; and

WHEREAS, the City plans to repay its Note by issuing its Barrett Bonds (as defined in the Loan Agreement) to the Bond Bank or by repaying it from other moneys which may be available; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the Costs of Construction of the Barrett Projects and the issuance of the Note has been authorized to procure funds and an extraordinary emergency and necessity exists for making the additional appropriation set out herein; and

WHEREAS, the Clerk of this City-County Council (the "Clerk") has caused notice of a hearing on said appropriation to be published as required by law; and

WHEREAS, such public hearing on said appropriation was held at a meeting of this City-County Council on \_\_\_\_\_, 1993 at \_\_\_\_\_ EST in the Public Assembly Room on the second floor of the City-County Building, Indianapolis, Indiana at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; now, therefore:

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

SECTION 1. The City shall proceed to provide funding for the Barrett Projects.

SECTION 2. For the purpose of procuring funds to pay for the Barrett Projects, including all expenses in connection with or on account of the issuance of the Note, the City shall enter into a Loan Agreement and Note in an amount not to exceed Twenty Million Dollars (\$20,000,000).

The Controller of the City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell to the Bond Bank the Note designated as "City of Indianapolis Barrett Projects Note, Series 1993A", in an amount not to exceed Twenty Million Dollars (\$20,000,000). The Note shall be issued pursuant to a loan agreement similar in form and substance to the Loan Agreement.

The Note shall have a final maturity no later than November 1, 1997, in amounts negotiated with the Bond Bank, shall have a net interest cost which does not exceed \_\_\_\_\_ percent (\_\_\_%), shall be sold at par or with an original issue discount which does not exceed \_\_\_\_\_ percent (\_\_\_%), shall be in a form similar in substance and content to the form of the Note contained in the Loan Agreement.

The Note or a portion thereof may be redeemable prior to maturity upon terms and conditions provided in the Loan Agreement as are further detailed through negotiation with the Bond Bank by the Controller and the Mayor of the City (the "Mayor") consistent with the best interest of the City and the terms of this Ordinance.

SECTION 3. The Controller and the Mayor are hereby authorized and directed to sell the Note issued to the Bond Bank at a negotiated sale.

Prior to delivery of the Note, the Controller shall obtain a legal opinion as to the validity of the Note and shall furnish such opinion addressed to the Bond Bank. The Cost of said opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Note.

SECTION 4. The Loan Agreement and the Note contemplated by this Special Ordinance shall, upon execution, as contemplated herein, constitute the valid, legal and binding obligations of the City, the full performance and satisfaction of which by the City is hereby authorized and directed.

SECTION 5. The City-County Council hereby approves the Loan Agreement and the Note, in the form attached hereto as Appendix A and the Mayor is hereby authorized and directed to execute, and the Clerk is hereby authorized and directed to attest and affix the seal of the City to, the Loan Agreement and the Note with such changes and revisions thereto as they deem necessary or appropriate to consummate the transaction contemplated hereby if such changes do not increase the interest rates, principal amount or discount in excess of that authorized in Section 2, and such execution and attestation shall be conclusive evidence of their approval of such changes and revisions. The Loan Agreement and the Note in the forms executed shall constitute the valid, legal and binding agreements of the City, the full performance and satisfaction of which by the City is hereby authorized and directed.

SECTION 6. The Mayor is hereby authorized to execute the Note with his manual or facsimile signature, and the Clerk is hereby authorized to attest the Note with her manual or facsimile signature, and cause the seal of the City to be impressed or a facsimile thereof to be printed on the Note, all in the form and manner herein provided. Upon the consummation of the sale of the Note, the Controller and the Treasurer of the County, ex-officio Treasurer of the City, shall be authorized to receive the proceeds of the Note from the Bond Bank in the manner provided by law.

SECTION 7. The City-County Council hereby authorizes and directs any officers of the City, and each of them, for and on behalf of the City, and hereby authorizes and directs any officers of the County, and each of them, for and on behalf of the County, to prepare, execute and deliver any and all instruments, letters, certificates, agreements or documents as the officer executing the same determines are necessary or appropriate to effect and to consummate the transactions described in this Ordinance and the Appendix hereto, such determination to be conclusively evidenced by such officer's execution thereof.

SECTION 8. The City-County Council hereby authorizes and directs any officers of the City, and each of them, for and on behalf of the City, and hereby authorizes and directs any officers of the County, and each of them, for and on behalf of the County, to take any actions as such officer determines is necessary or appropriate to consummate the transactions contemplated by or to accomplish the purposes of this Special Ordinance, such determination to be conclusively evidenced by such officer's taking of such action.

SECTION 9. After passage and upon execution of the Loan Agreement by the Mayor and attestation by the City Clerk, this Special Ordinance shall be irrevocable and shall not be amended in any manner which would adversely affect the rights of the holder of the Note until the Note has been paid in full.

SECTION 10. The proceeds derived from the sale of the Note and all investment earnings thereon shall be, and they hereby are, appropriated by the City-County Council for the purpose of procuring funds to pay for the Costs of Construction of the Barrett Projects, including all expenses in connection with or on account of the issuance of the Note.

SECTION 11. Such appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the activities described in Section 10 above. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

SECTION 12. The Clerk is hereby authorized and directed to certify a copy of this Special Ordinance together with such other proceedings and actions as may be necessary to the Controller for purposes of reporting to the State Board of Tax Commissioners for the purpose of complying with IC 6-I.1-18-5.

SECTION 13. This Special Ordinance shall rescind and repeal any portions of any special ordinances or general ordinances of the City or County which conflict with the terms hereof if the conflict would have a material adverse impact on the Note.

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

#### APPENDIX A TO CITY-COUNTY SPECIAL ORDINANCE , 1993

##### LOAN AGREEMENT

THIS LOAN AGREEMENT, dated as of the \_\_\_\_ day of \_\_\_\_\_, 1993, between The Indianapolis Local Public Improvement Bond Bank, a body corporate and politic (the "Bond Bank"), created pursuant to the provisions of Indiana Code 5-I.4 ("the Act"), having its principal place of business in the City of Indianapolis, and the City of Indianapolis, a consolidated city of the first class with home rule powers organized and existing under the laws of the State of Indiana, located in Marion County, Indiana ("City").

##### WITNESSETH:

WHEREAS, pursuant to the Act, the Bond Bank is authorized to purchase securities (as defined in the Act)("Securities"), issued by qualified entities (as defined in the Act); and

WHEREAS, the City has duly authorized the issuance of its note designated City of Indianapolis Barrett Projects Note, Series 1993A in the principal amount not to exceed Twenty Million Dollars (\$20,000,000)(the "Note"), and the Note is a Security to be purchased by the Bond Bank in accordance with this Loan Agreement; and



WHEREAS, the Bond Bank has adopted a resolution authorizing the purchase of the Note.

NOW, THEREFORE, the Bond Bank and the City agree:

ARTICLE I  
DEFINITIONS

Unless the context or use indicates another meaning or intent, the following words and terms when capitalized and used in this Loan Agreement have the following meanings:

"Act" means Indiana Code 5-1.4, as amended.

"Barrett Project Fund" means the Department of Public Works Barrett Project Fund No. \_\_.

"Barrett Projects" means generally the construction, which includes, planning, supervising, inspecting, actual building and all expenses incidental to the construction of local public improvement projects within the City as permitted by IC 36-9-36, IC 36-9-37, IC 36-9-38 and IC 36-9-39 including, but not limited to, those sewer projects described in Exhibit \_\_.

"Bond Bank" means Indianapolis Local Public Improvement Bond Bank, a public body politic and corporate, not a state agency, but an independent public instrumentality exercising essential public functions, duly organized and existing under the Act, and its successors and assigns.

"City" means the City of Indianapolis, Indiana and any successor.

"Code" means the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

"Costs of Construction" means all costs associated with the Barrett Projects.

"Department" means the City's Department of Public Works or its successors.

"Event of Default" means a failure by the City to make any payment pursuant to the Note.

"Line of Credit Bank" means the state or federally chartered financial institution designated by the Bond Bank from time to time to provide the Bond Bank with a revolving line of credit

"Loan Advances" means each advance of money by the Bond Bank from its line of credit with the Line of Credit Bank to the City pursuant to a requisition of the City signed by the City's fiscal officer.

"Loan" means the loan made to the City evidenced by the Note.

"Loan Amount" means the aggregate principal amount of money loaned from time to time by the Bond Bank to the City as evidenced by the Record of Loan Advances shown on the Note which shall not exceed Twenty Million Dollars (\$20,000,000) together with interest thereon as provided in the Note.

"Note" means the promissory note in substantially the form attached to this Loan Agreement as Exhibit A with such changes as are provided for herein, made by the City and payable to the Bond Bank and providing for Loan Payments.

"Ordinance" means this City-County Special Ordinance No. \_ 1993.

"State" means the State of Indiana.

(End of Article I)

ARTICLE II  
THE LOAN, LOAN ADVANCES AND NOTE

Section 2.01. The Loan. (a) The Bond Bank shall loan moneys to the City up to the Loan Amount subject to the terms and conditions contained herein, and the City shall appropriate all Loan Advances to the Department's Barrett Project Fund. The Bond Bank does not warrant or represent that the amount deposited in the Department's Barrett Project Fund will be sufficient to pay all Costs of Construction associated with the Barrett Projects.

(b) Loan Advances. The Bond Bank shall cause the Line of Credit Bank to advance to the City for the account of the Bond Bank up to Twenty Million Dollars (\$20,000,000) from the Bond Bank's line of credit. Each Loan Advance shall be made by the Line of Credit Bank directly to the Department's Barrett Project Fund, upon a receipt of a requisition requesting such an advance signed by the City's fiscal officer.

Section 2.02. The Note. (a) The City authorizes the issuance and sale of the Note to the Bond Bank in the aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000) in substantially the form set forth herein as Exhibit A for the purpose of obtaining moneys to pay the Costs of Construction of the Barrett Projects, the costs of issuing the Note and to evidence and secure its obligation hereunder to repay the Loan, together with interest thereon. The net interest cost on the Note shall not exceed \_\_\_%. The Note shall be delivered to the Bond Bank.

(b) The Mayor, the City Controller, the Clerk of the City-County Council, the Director of the Department and any other officer of the City and each of them, for and on behalf of the City, are authorized and directed to prepare, execute and attest, and deliver respectively, this Loan Agreement, the Note and any other document which may be necessary or desirable to consummate the transaction contemplated herein, and their execution is hereby confirmed on behalf of the Issuer. The Mayor may approve any necessary changes in the Note by his execution of the Note and other documents necessary to consummate the transaction contemplated herein. Should the Bond Bank issue bonds secured by Barrett Bonds related to the Barrett Projects, the Mayor may approve the Bond Bank's Preliminary Official Statement and the Official Statement as may reasonably be required by the Bond Bank and its counsel without further approval of the City-County Council.

(End of Article II)

ARTICLE III  
LOAN PAYMENT, FEES AND EXPENSES

Section 3.01. Loan Payments. The City shall repay the Loan Amount to the Bond Bank upon the earlier of six (6) months (or such lesser time as the City may agree to) written notice from the Bond Bank or the date specified in the Note. Such repayment shall be made to the Bond Bank from Barrett Bond proceeds or from other moneys available therefor.

Section 3.02. Absolute and Unconditional Payment. The obligation of the City to repay the Loan Amount and to perform and observe the other covenants and agreements contained herein shall be absolute and unconditional.

(End of Article III)

ARTICLE IV  
PREPAYMENT

Section 4.01. The City may prepay the Loan Amount at any time. If the Loan is prepaid, the City shall pay the Loan Amount, together with any expenses or fees, including reasonable attorney's fees incurred by the Bond Bank because of the prepayment.

(End of Article IV)

ARTICLE V  
BINDING EFFECT

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

(End of Article V)

ARTICLE VI  
REPRESENTATIONS, WARRANTIES AND  
COVENANTS OF THE CITY

Section 6.01. Representations and Warranties. The City represents and warrants for the benefit of the Bond Bank as follows:

(a) Corporate Organization and Power of the City. The City:

(1) is a consolidated city of the first class duly organized and validly existing under the Constitution and the laws of Indiana;

(2) constitutes a "qualified entity" as defined in the Act with the power and authority to appropriate the Note proceeds for their intended purposes;

(3) has all requisite power and authority, licenses and permits to own and undertake and carry out the Barrett Projects;

(4) is a political subdivision of the State;

(5) has the power and authority to enter into this Loan Agreement and fulfill its terms;

(6) has the power and authority to execute and issue the Note and comply with its terms; and

(7) has the power and authority to adopt and comply with the Ordinance.

(b) Full Disclosure. There is no fact that the City has not specifically disclosed in writing to the Bond Bank that materially and adversely affects or that will materially and adversely affect the City's ability to perform its obligations hereunder and under the Note.

(c) Pending Litigation. To the knowledge of the City there are no proceedings pending, or threatened, against or affecting the City in any court or before any governmental authority or arbitration board or other tribunal that, if adversely determined, would materially and adversely affect (i) the City's right to issue the Note, (ii) the City's right to issue Barrett Bonds, (iii) the City's prospects or condition (financial or otherwise), (iv) the City's existence or (v) the City's power and ability to enter into and perform its obligations hereunder and under the Note.

(d) Borrowing Legal and Authorized. The execution of this Loan Agreement and the execution and delivery of the Note and the consummation of the transactions provided for herein and in the Note and compliance by the City with the provisions of this Loan Agreement and the Note.

(1) are within its corporate powers and have been duly and effectively authorized by all necessary action on the part of the City.

(2) do not and will not conflict with or result in any material breach of any of the terms, conditions or provisions of, or constitute a default under, or result in the creation or imposition of any lien, charge or encumbrance upon, any property or assets of the City pursuant to any court order, indenture, loan agreement or other agreement or instrument or corporate restriction to which the City is a party or by which the City, its properties or operations may be bound or with the giving of notice or the passage of time or both would constitute a breach or default or result in the creation or imposition of any lien, charge or encumbrance, which breach, default, lien, charge or encumbrance, could materially and adversely affect the validity or the enforceability of the Note or this Loan Agreement or the City's ability to perform fully its obligations under the Note and this Loan Agreement; nor will such action result in any violation of the provisions of any laws, ordinances, governmental rules or regulations or court or other governmental orders to which the City its properties or operations is subject.

(c) No Defaults. The City is not in violation in any material respect, and has not received notice of any claimed material violation (except such violations which (i) have heretofore been specifically disclosed in writing to, and have been specifically consented to in writing by, the Bond Bank and (ii) do not, and shall not, have any material adverse effect on the transactions herein contemplated and the compliance by the City with the terms hereof or the Note), of any terms of any agreement, charter, court order, if any, or other instrument to which it is a party or by which it or its properties or operations may be bound.

(f) Governmental Consent. The City has obtained prior to entering into this Loan Agreement, all approvals and consents required by any governmental body or officer for the borrowing contemplated hereby.

(g) Compliance With Law. The City is in compliance with all laws, ordinances, governmental rules and regulations to which it is subject and which are material to its properties, operations, finances or status.

Section 6.02. Covenants of the City.

(a) Exempt Status. The City will to the extent of its ability maintain its status as a consolidated city of the first class and a political subdivision of the State.

(b) Use of Proceeds. The City will not use any of the proceeds of the Loan to purchase or carry any "margin security" within the meaning of Regulation U of the Board of Governors of the Federal Reserve System, 12 C.F.R., Chapter 11, or in any manner that would cause the Bond Bank's line of credit with the Line of Credit Bank to be an "arbitrage bond" within the meaning of Section 148 of the code and the regulations promulgated thereunder and will take such actions as are necessary and within their power to assure that the interest on the Bond Bank's line of credit will not be subject to federal income taxation by virtue of the Bond Bank's line of credit being an "arbitrage bond." The City and the Department will not use the proceeds of the Loan to pay, finance or refinance, or reimburse the City for, the cost of property used directly or indirectly in any trade or business to any extent which would cause the interest on the Bond Bank's line of credit to lose its exemption from federal income tax. None of the proceeds of the Loan are being or will be used to refinance any indebtedness arising from a loan to the City which was funded from the proceeds of obligations the interest on which is or was exempt from federal income taxes under existing statutes, regulations or court decisions.

(c) Indemnity. The City will pay, and will protect, and does hereby indemnify and save the Bond Bank, each member, officer, commissioner, employee and agent of the Bond Bank and each other person, if any, who has the power, directly or indirectly to direct or cause the direction of the management and policies of the Bond Bank, harmless from and against any and all liabilities, losses, damages, costs and expenses (including reasonable attorneys' fees), suits, claims and judgments of whatsoever kind or nature (including those in any manner directly or indirectly arising or resulting from, out of or in connection with any injury to, or death of, any person or any damage to property resulting from the construction, use or operation of the Barrett Projects) in any manner directly or indirectly (in any case, whether or not by way of the City or its successor and assigns) arising or resulting from, out of or in connection with the Bond Bank's line of credit, the Barrett Projects, this Loan Agreement, the Note or the breach or violation of any agreement, covenant, representation or warranty of the City set forth in this Loan Agreement, the Note or any document delivered pursuant hereto or thereto or in connection herewith or therewith.

An indemnified person shall promptly notify the City in writing of any claim or action brought against it with respect to which indemnity may be sought, setting forth, to the extent reasonably practicable under the circumstances, the particulars of such claim or action, and the City will promptly assume the defense thereof, including the employment of competent counsel and the payment of expenses.

An indemnified person may employ separate counsel with respect to any such claim or action and participate in the defense thereof, but, except as provided herein, the fees and expenses of such separate counsel shall not be payable by the City unless such employment has been specifically authorized by the City, as the situation requires, or unless such employment was occasioned by conflicts of interest between the indemnified person and the City. If the City shall fail to assume the defense of any action as required hereunder, or, within a reasonable time after commencement of such action, shall fail to retain counsel, the fees and expenses of counsel to such indemnified person hereunder shall be paid by the City.

The provisions of this sub-section shall survive the termination of this Loan Agreement and the payment in full of the Note.]

(d) Compliance With Laws. The City shall comply with the requirements of all applicable laws, ordinances, court orders, the terms of all grants, rules and regulations which materially adversely affect its business, properties, earnings, prospects or credit, or the Revenues.

(End of Article VI)

ARTICLE VII  
EVENTS OF DEFAULT AND REMEDIES

If an Event of Default occurs, the holder of the Note may accelerate payment of the entire principal amount, together with interest, and may collect same by use of all legal and equitable remedies which may be available.

(End of Article VII)

October 25, 1993

ARTICLE VIII  
MISCELLANEOUS

Section 8.01. Fees and Expenses. The City agrees to pay the Bond Bank reasonable fees and charges attributable to the administration of the Note acquired by the Bond Bank and service charges by the Bond Bank.

Section 8.02. Legal Opinion. Simultaneously with the delivery to the Bond Bank of the Note, the City shall furnish to the Bond Bank a transcript of proceedings and an opinion of the City's legal counsel as to, among other things, the validity of the Note.

Section 8.03. Financial Statements. The City agrees to furnish to the Bond Bank, as long as the Note remains outstanding annual financial reports, audit reports and such other financial information as is reasonably requested by the Bond Bank.

Section 8.04. Severability. If any provision of this Loan Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Loan Agreement and this Loan Agreement shall be construed and be in force as if such invalid or unenforceable provision had not been contained herein.

Section 8.05. Counterparts. This Loan Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. The Bond Bank and the City each agree that it will execute any and all documents or other instruments, and take such other actions as may be necessary to give effect to the terms of this Loan Agreement.

Section 8.06. Waiver. No waiver by either the Bond Bank or the City of any terms or conditions of this Loan Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach.

Section 8.07. Merger. This Loan Agreement merges and supersedes all prior negotiations, representations, and agreements between the Bond Bank and the City relating to the subject matter hereof and constitutes the entire agreement between the Bond Bank and the City in respect hereof.

IN WITNESS WHEREOF, we have hereto set our hands as of the day first above written.

THE INDIANAPOLIS LOCAL PUBLIC  
IMPROVEMENT BOND BANK

By: \_\_\_\_\_  
Larry J. Barrett, Chairman

(SEAL)

Attest:

\_\_\_\_\_  
James C. Snyder, Executive Director

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Stephen Goldsmith, Mayor

By: \_\_\_\_\_  
James Steele, Jr. Controller

EXHIBIT A TO LOAN AGREEMENT  
CITY OF INDIANAPOLIS BARRETT PROJECTS ANTICIPATION NOTE SERIES 1993A

Principal: \$20,000,000 Due Date: November 1, 1998 or upon six (6) months demand as provided herein.

FOR VALUE RECEIVED, the City of Indianapolis ("Issuer"), a consolidated city of the first class with home rule powers located in Marion County, Indiana, hereby promises to pay to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") or its assigns at the Issuer's principal office with all unpaid principal due on the Due Date set forth above, unless sooner paid in full, the principal sum of Twenty Million

Dollars (\$20,000,000) or so much of the principal amount of this Note as has been borrowed as evidenced by the Record of Loan Advances on the reverse side hereof, and interest from the date of each Advancement at a rate per annum equal to \_\_\_\_\_ percent (\_\_\_\_%), or at the Default Rate as provided below, all, to the extent permitted by law, without relief from valuation and appraisal laws and with costs of collection and reasonable attorneys' fees. All payments of principal and interest on this Note shall be made to the Bond Bank from the proceeds of City of Indianapolis Barrett Bonds or by payment in immediately available funds in lawful money of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts and available to the City for such purpose.

In the event of a failure to pay principal of or interest on this Note when due, the principal sum of this Note from time to time outstanding shall bear interest at the Default Rate, as such term is defined below until such default is cured by the payment of all such overdue principal of and accrued interest on this Note. The term "Default Rate" shall mean the per annum rate of interest equal to \_\_\_\_\_ percent (\_\_\_\_%).

The interest will be calculated on the basis of a thirty day month and a year consisting of 360-days.

This Note is issued to provide funds to pay Costs of Construction of Barrett Projects (both as defined in the Loan Agreement to which a form of this Note is attached as Exhibit A) and to pay costs of issuance of this Note. This Note is issued pursuant to and in full compliance with the Constitution and laws of the State of Indiana, particularly IC 5-1.4-8-6.

THIS NOTE CONSTITUTES A CORPORATE OBLIGATION OR INDEBTEDNESS OF THE CITY OF INDIANAPOLIS AND THIS NOTE TOGETHER WITH INTEREST THEREON IS PAYABLE FROM THE PROCEEDS OF BARRETT BONDS ISSUED BY THE ISSUER OR OTHER MONEY WHICH MAY BE AVAILABLE TO THE ISSUER. THIS NOTE DOES NOT HAVE THE BENEFIT OF A TAX LEVY AND THERE ARE NO TAX PROCEEDS CURRENTLY AVAILABLE OR TO BE LEVIED OR COLLECTED TO REPAY THE PRINCIPAL AND INTEREST ON THIS NOTE.

The Issuer may, at its option and without premium or penalty, but with accrued interest and any expenses and fees of the Bond Bank (including reasonable attorneys' fees) incurred by the Bond Bank because of such prepayment, prepay this Note on any date, in whole or in part, upon five (5) days prior notice to the Bond Bank or its assigns.

The Bond Bank may demand and shall receive full payment of all principal and interest on this Note upon six (6) months written notice.

To the extent permitted by law, and subject to the provisions of IC 5-1.4, the Issuer waives demand, presentment of payment, protest, notice of protest and notice of nonpayment or dishonor and consents to any and all extension of time for payment without notice.

It is hereby certified, recited and declared that all acts, conditions and things required to be done precedent to and in the execution, issuance, sale and delivery of this Note have been properly done, happened and performed in regular and due form as prescribed by law, and that the total indebtedness of the Issuer, including this Note, does not exceed any constitutional or statutory limitation of indebtedness.

No recourse shall be had for the payment of the principal of or interest on this Note against any official, officers or employees of the Issuer past, present or future, under any constitutional provision, statute, rule of law, or by the enforcement of any assessment or by any legal or equitable proceedings or otherwise.

Signed and delivered at Indianapolis, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Stephen Goldsmith, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Beverly S. Rippey  
Clerk of the City-County Council

RECORD OF LOAN ADVANCES

Amount

Date

Authorized Signature

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 197, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 197, 1993 on October 20, 1993. The proposal transfers and appropriates \$2,000 for the Superior Court, Juvenile Division/Detention Center to purchase supplies. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Jimison, to strike. Proposal No. 197, 1993 was stricken by unanimous voice vote.

PROPOSAL NO. 400, 1993. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 400, 1993 on August 24, September 14 and October 12, 1993. The proposal amends the Revised Code concerning the rules of the City-County Council. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor West, for adoption.

Councillor Curry said that in his opinion the most significant changes in the rules are as follows:

- (1) Sec. 151-14. A specific paragraph relating to caucuses has been added. This paragraph defines caucuses consistent with state law. It also provides in writing for the first time what actions caucuses can or cannot take with respect to the "open door" laws.
- (2) Sec. 151-23. The Committee on Rules and Public Policy has the responsibility to review procedures and policies relating to the awarding and monitoring of consultant contracts.
- (3) Sec. 151-30. A means to clean-up the calendar has been added. Also in that same section it states that information that is received at committee meetings can be appended.
- (4) Sec. 151-31. If one of the members of a committee has a medical condition which prevents them from attending meetings for some indefinite period, there is an opportunity to redefine that committee for purposes of legislative intent.
- (5) Sec. 151-47. A new subparagraph (b) has been added which provides that any member of the public who has been granted the privilege of addressing the Council on a particular subject must remain on the subject--it must be germane to that issue before the Council.
- (6) Sec 151-52. Three paragraphs have been added concerning the means by which a Councillor can abstain from voting in the event that there is an impropriety, a financial interest or a personal interest involved.

- (7) Sec. 151-61. The specific determination of the kinds of ordinances and resolutions that can come before the Council.
- (8) Sec. 151-63. Procedures for the introduction of proposals has been added.
- (9) Sec. 171-4. A provision to replace the General Counsel in the event that there is an ethical conflict has been provided.
- (10) Sec. 171-7. The office of chief financial officer has been reidentified.

Councillor Golc asked why the Rules and Public Policy Committee was chosen as the committee for reviewing consultant contracts rather than the Administration and Finance Committee. Councillor Curry replied that the intent of this change is to have the Committee review policies and procedures, not individual contracts.

Councillor Boyd stated that this was his amendment and he is pleased that this responsibility concerning consultant contracts has been placed in a permanent committee. The basic concern is to make sure that there is a process involved and that it is protected.

Councillor Williams asked if there are any changes concerning the "open door" policy with respect to the caucuses. Councillor Curry stated that the intent in Sec. 151-14(a) is silent with respect to the opening or closure of the caucuses; that is strictly up to the caucus members. Councillor McClamroch said that this proposal does not address that issue and there is no legal reason why the rules of the Council should address it. It is a matter of state law.

Councillor Giffin moved to delete "or appointed and acting" which appears in the first sentence in Sec. 151-24. He said that language is ineffective by subsequent statutory change in terms of filling vacancies on the Council. Councillor Hinkle seconded the motion and it passed by unanimous voice vote.

Proposal No. 400, 1993, as amended, was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT PRESENT: Schneider*

Councillor Curry said that he and Mr. Elrod have been working on this revision since last February and he voiced his appreciation to Mr. Elrod.

Proposal No. 400, 1993, as amended, was retitled GENERAL ORDINANCE NO. 144, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 144, 1993

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County", specifically Chapter 151, the rules of the City-County Council.

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



SECTION 1. Chapter 151 of the Revised Code of the Consolidated City and County be, and is hereby, amended, by deleting the stricken-through text and inserting the underlined text, to read as follows:

CHAPTER 151 - CITY-COUNTY COUNCIL  
ARTICLE 1. AUTHORITY AND MEETINGS

Sec. 151-1. Authority.

The city-county council is the legislative and fiscal body of both the Consolidated City of Indianapolis and the County of Marion with such powers as provided by statutes or ordinances. The police special service district council, the fire special service district council and the solid waste special service district council are the legislative body respectively for the police special service district, fire special service district and solid waste special service district. Each special service district council of the consolidated city shall have such limited legislative and fiscal powers as are provided by statute.

Sec. 151-2. Membership of councils.

The city-county council and each special service district council shall consist of twenty-nine members elected as provided by statute. The preferred form of address for members of the council shall be councillor.

Sec. 151-3. Meetings concurrent.

Regular meetings shall be convened as concurrent sessions of the city-county council and each special service district council.

Sec. 151-4. Days, time and place of regular meetings.

Regular meetings shall be held at least once each month on such dates and at such times as the council shall establish by resolution adopted at least forty-five (45) days prior to such meeting. If no such dates are so established, the regular meeting shall be held on the first Monday of each month at 7:00 p.m. prevailing local time, in the council chamber, on the second floor of the City-County Building in Indianapolis. In the event that the date of the regular meeting is on a holiday observed by state law or local ordinance for employees of the consolidated city, the regular meeting shall be held on the next succeeding day that is not such a holiday nor a Saturday, or Sunday, unless the council, by a majority vote at a prior meeting, shall cancel the meeting or postpone it to another date. The time or place of any regular meeting may be changed by majority vote at a prior regular meeting.

Sec. 151-5. Special meetings.

Special meetings may be held on call of the president or forty (40) per cent of the members of the council, by having written notice of the time and place of the meeting delivered to each member personally or sent by mail or telegram so that each member has at least seventy-two (72) hours' notice of the meeting.

Sec. 151-6. Statutory meetings.

Statutory meetings shall be held as required by law upon such notice as is provided by the statute requiring the meeting; if the statute requires publication of notice, no further notice need be given to members. As a courtesy to members, the clerk shall endeavor to give members the same notice as this division prescribes for special meetings.

ARTICLE 2. ORGANIZATION AND OFFICERS

Sec. 151-11. Election of officers.

At its first regular meeting in each calendar year, the city-county council shall elect by roll call vote, the following officers of the city-county council:

- (1) President;
- (2) Vice President.

The city-county council officers so elected shall also serve as president and vice president, respectively of each special service district council and shall hold office until the first regular meeting of the city-county council in the next calendar year.

Sec. 151-12. Appointment of clerk.

A clerk of the council, who shall also be clerk of each special service district council, shall be appointed at the first regular meeting of each calendar year for a term of one (1) year, to serve at the pleasure of the council.

Sec. 151-14~~3~~. Manner of electing and removing officers; terms of officers; filling vacancies.

(a) A majority vote of all members of the city-county council shall be required for the election of all officers of the city-county council, except the majority and minority leaders.

(b) All officers elected by the city-county council shall hold their office until a successor is chosen or they are removed.

(c) Any officer elected by the city-county council may be removed upon a majority vote of all the members of the city-county council; however, no vote shall be had upon a removal until the motion to do so has been made a special order of business by vote at a meeting at least one (1) week prior thereto.

(d) A vacancy created pursuant to subsection (c) shall be filled by election in the manner of election of the officer so removed.

Sec. 151-1~~3~~4. Caucuses, majority and minority caucus leaders.

(a) Members of the city-county council may attend caucuses, which are gatherings of members of a political party or coalition held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action. No caucus shall be deemed an official part of the council or any committee of the council. A caucus may review public information and discuss the political ramifications of expected issues, anticipated official action and public business. Such caucuses may not take any official action and shall not vote upon any matter pending before the council or one of its committees in accordance with IC 5-14-1.5.

(b) The members of the city-county council belonging to each political party shall hold separate caucuses and each shall elect a caucus leader. The caucus leader of the party which has the allegiance of the greatest number of members of the city-county council shall be called the "majority leader." The caucus leaders of the other parties shall be called "minority leaders." When used elsewhere in this article, "minority leader" shall mean the minority leader whose election was certified by the most members of the city-county council. The election of caucus leaders shall be official upon filing with the clerk a certificate of election signed by the members of the caucus.

ARTICLE 3. COMMITTEES

Sec. 151-21. Permanent committees designated.

The permanent committees of the city-county council shall be as follows:

- (1) The committee on committees;
- (2) The committee on rules and public policy;
- (3) The committee of the whole council.

Sec. 151-22. Composition and function of the committee on committees.

(a) The committee on committees shall consist of three (3) members: The president of the city-county council, the majority leader and the minority leader.

(b) The president of the city-county council shall act as ~~chairman~~person of the committee.

(c) The committee on committees shall name the members of the standing committees and such members of the permanent committees as are not specified in these rules. The membership of all standing committees shall be named on or before the first day of February of each year. Any vacancy on any committee shall be filled within thirty (30) days after it occurs.

Sec. 151-23. Composition and functions of the committee on rules and public policy.

The committee on rules and public policy shall consist of seven (7) members, including the president, the majority leader and the minority leader of the city-county council. The ~~chairman~~ person of the committee shall be appointed by the president. The committee shall consider and recommend proposed changes in the rules of the council and may function in the manner of a standing committee upon any matter referred to it by the president or on motion of a council. The committee shall also be responsible for recommendations upon the employment of the staff of the council and supervising its performance. The committee on rules and public policy shall be charged with the responsibility to review the policies and procedures for awarding and monitoring consultant contracts by agencies whose budgets are reviewed and approved by the Council.

Sec. 151-24. Composition and functions of the committee of the whole council.

The committee of the whole council shall consist of every duly elected ~~or appointed and acting~~ member of the council. The council shall, by declaration of the president, or by a motion duly carried, form itself as a committee of the whole council whenever by statute or under these rules the public is entitled to a hearing before the council upon any matter of business properly before the council. The committee of the whole council may also function in the manner of a standing committee upon any matter referred to it by the president or upon motion of the council. The president shall be ~~chairman~~ person of the committee of the whole council, but may designate another member to preside or act as ~~chairman~~ person at such times and for such periods as ~~he~~ the president may designate.

Sec. 151-25. Standing committees enumerated.

The standing committees of the council shall be as follows:

- (1) The administration and finance committee;
- (2) The community affairs committee;
- (3) The economic development committee;
- (4) The metropolitan development committee;
- (5) The municipal corporations committee;
- (6) The parks and recreation committee;
- (7) The public safety and criminal justice committee;
- (8) The public works committee;
- (9) The transportation committee.

Sec. 151-26. Composition and ~~chairmen~~ persons of standing committees.

The standing committees of the council shall consist of the number of members determined by the committee on committees, but shall not be less than three (3) members and shall have at least one (1) minority member. The president of the council shall name the ~~chairman~~ person of each standing committee from among the members named to the committee by the committee on committees.

Sec. 151-27. President of the council to be an ex officio member of the standing committees.

The president of the council shall be an ex officio member of each standing committee of the council and may participate in its deliberations. The president shall not vote unless ~~his~~ such vote would break a tie, and then only if ~~he~~ the president chooses to do so.

Sec. 151-28. Functions of standing committees.

It shall be the duty of all standing committees of the council to consider all proposals referred to it as provided in these rules. A standing committee may consider any other matter properly concerning departments or subject matter indicated by the name of the standing committee. Meetings of the standing committees shall be open to the public. A standing committee may hear such testimony or public comment as the committee deems proper. In lieu of separate hearings, standing committees may meet with the boards of corresponding city departments.

Sec. 151-29. Attendance at meetings of standing committees by council members who are not on the committee.

Any member of the council shall be entitled to attend and participate in the discussions before any standing committee. The councilman~~or~~(s) introducing any proposal referred to a standing committee shall be a member of that committee while it is considering that proposal, but ~~he~~ such councillors shall not be entitled to vote or be counted in determining a quorum.

Sec. 151-30. Action and reports on proposals.

Any permanent or standing committee of the council to which a proposal has been referred shall report to the council upon each such proposal within forty-five (45) days of its referral, either with or without a recommendation, unless the president of the council shall withdraw the proposal or reassign it. After any hearing by the committee upon a proposal, the chairman~~person~~ of the committee shall submit a formal report of the committee's action, in writing, to the clerk. If a proposal is tabled by a committee and no action is taken to remove it from the table or to reassign it during a period of six (6) months, the proposal shall be deemed postponed indefinitely and shall be removed from the calendar of pending proposals. The report shall include any recommendations supported by a majority of the committee and may, upon request of any member of the council, include a minority position. Any member of a committee may file a minority report or ask that other information received at the committee meeting be appended to the committee report. Such reports shall be filed in sufficient time to permit the clerk to circulate copies to all members of the council prior to the next scheduled meeting of the council. Copies of all committee reports shall remain on file in the clerk's office readily available to the press and public.

Sec. 151-31. Meetings of standing committees; quorum.

Standing committees of the council shall establish at least one (1) regular meeting time and date each month. Other meetings of standing committees shall be held at the call of the committee chairman~~person~~ upon not less than twenty-four (24) hours' actual notice to each member of the committee; provided public notice is given as required by law at least forty-eight (48) hours excluding Saturdays, Sundays, and legal holidays before the meeting. ~~At any regular meeting of a committee any proposals, which has been referred to the committee but has not been reported back to the council, shall be a proper item of business. at each regular meeting, unless the proposal has been reported back to the council.~~ At any regular meeting of a committee, a quorum for purposes of taking official action on any proposal assigned to the committee shall be a majority of the committee. If the committee on committees determines that a member's medical condition prevents attendance for an indefinite period, that person shall not be considered a member of the committee for purposes of determining a quorum.

Sec. 151-32. Special committees.

Special committees of a council may be formed by the president of the council or by a vote of the majority of the members of the city-county council for any specific purpose proper for council consideration. Special committees shall consist of an odd number of members and shall have at least one (1) minority member.

Sec. 151-33. Investigating committees.

Investigating committees of a council may be formed by resolution of the council for any lawful purpose. The resolution establishing the committee shall specify the membership of the committee, the general nature of its investigation and the power to subpoena witnesses, if the power is granted.

ARTICLE 4. PROCEDURE AND DECORUM

Sec. 151-41. Presiding officer.

The president shall be the presiding officer of the city-county council and each special service district council. In the absence of the president, the vice president shall preside. In the absence of both the president and vice president, the majority leader and then the ~~chairmen~~ persons of the standing committees in the order listed in ~~section 2-40~~ Sec. 151-25 shall be entitled to preside, unless another shall be designated to preside by the president before surrendering the gavel.

Sec. 151-42. Powers of the presiding officer generally.

The presiding officer of the council shall have all the powers of the president thereof with respect to the conduct of the business before the meeting while presiding, but only the president or vice president with respect to matters adopted while presiding shall have the authority to sign ordinances or resolutions adopted by a council or to exercise other powers conferred on the president by state statute, this Code or other ordinance.

Sec. 151-43. Convening council; roll call.

The president shall take the chair at the hour designated for convening a council for any regular, special or statutory meeting. The president shall call the council to order and instruct the clerk to call the roll. If the roll call establishes that a quorum is present, the president shall proceed in the manner and order prescribed by these rules. A majority of the members elected, qualified and serving as members of the council shall constitute a quorum.

Sec. 151-44. Procedure upon absence of a quorum.

If the roll call taken pursuant to this ~~division~~ article does not establish that a quorum of a council is present, the president shall recess the council for three (3) successive fifteen-minute periods and shall have the roll called at the end of each such recess until a quorum is present. If a quorum is not present at the end of the third recess, the council shall not meet until the next regular or special meeting is duly convened.

Sec. 151-45. Preservation of order and decorum.

The president of the council shall preserve order and decorum and, in the case of a disturbance or disorderly conduct in the chamber or in the adjacent lobbies, may cause the areas to be cleared. The president may appoint a sergeant-at-arms to assist in maintaining order and decorum at council meetings. The president may require the county sheriff, ~~his~~ a deputy sheriff or an officer of the city police force to be present to assist in preserving order.

Sec. 151-46. Council chamber floor described; admittance.

The floor of the council chamber shall consist of that portion of the chamber from beyond the last seats of members of the council to the front of the room. No person shall be permitted on the floor of the council chamber while the council is in order other than the members thereof, its staff and accredited reporters of the news media. The mayor and other city or county officials may be admitted upon permission from the presiding officer or by a majority vote of the council. Any person who is entitled under this ~~division~~ chapter to address the council shall be admitted to the floor during the time ~~he~~ such person is permitted to speak.

Sec. 151-47. Addresses to the council by others than members.

(a) No person other than a member or officer of a council shall be permitted to address a council during its meeting except as provided in this rule as follows:

- (1) The president may recognize any distinguished guest under "Introduction and Recognition of Guests and Visitors" and permit a two-minute response to the introduction;
- (2) The president may permit any city or county officer or employee to address the council in response to a question or request for information by a member of the council; such person's response shall be limited ~~in his reply~~ to two (2) minutes;
- (3) Any member of a council desiring that someone be heard that is denied the floor by these rules or the president, may move to ~~recess to a committee of the whole council to hear the~~ allow such person to

address the council. The motion shall state the person to be heard, the subject to which the discussion will be limited and the time to be granted the speaker. The motion shall require a second; it shall be privileged and immediately put to vote without debate. The motion shall be carried only if receiving a vote of a majority of the members of the council. If the motion is carried, ~~the meeting shall recess and reconvene as the committee of the whole council~~ the person shall be permitted to address the council in accordance with the motion;

- (4) If an item of business before a council is one for which a notice of public hearing has been given, the president shall inquire before stating the question whether members of the public desire to be heard on that item. If any person indicates a desire to be heard, the president shall ~~recess the council to a committee of the whole council for the public hearing~~ recognize such person. The committee of the whole council may, by majority vote, impose reasonable limits upon the time and number of persons to be allowed to speak.

(b) Any member of the public having been properly granted the privilege of the council floor for purposes of offering comment or testimony on a particular proposal or issue before the council, must speak to that issue. Any member of the council, having been recognized by the president, may question the relevancy of comment or testimony being given by members of the public by asking the president to rule on the germaneness of such comment or testimony. The president may also rule on germaneness without request. All such decisions of the president may be challenged and sustained or overruled by a simple majority vote.

Sec. 151-48. ~~Leave~~ Permission for member to ~~absent himself from meeting~~ leave before adjournment.

After a meeting of a council shall have been called to order, ~~no a member thereof shall absent himself from the council chamber without first having been~~ remain in attendance until adjournment unless excused by the presiding officer. If the presiding officer refuses to grant an excuse, the member seeking to be excused shall have the right to appeal to a vote of the council upon ~~his~~ the request to be excused, and the affirmative vote of a majority of the members present shall be sufficient to excuse ~~him~~ such member from further attendance at that meeting of the council. The question upon excusing a member, notwithstanding the refusal of the presiding officer to do so, shall be a question of privilege and shall be immediately put to vote by the presiding officer, taking precedence over all other questions and motions that may be before the council at that time. When any member shall be excused in accordance with the provisions of this rule, the clerk shall note in the journal that the leave was granted, showing whether leave was granted by the presiding officer or by vote of the council.

Sec. 151-49. Calling members to order for violation of rules.

If any member of a council, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall, or any member may, call ~~him~~ such member to order, in which case ~~he~~ such member shall immediately surrender the floor, unless permitted on motion of another member to explain, and the council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, ~~he~~ such member shall be at liberty to proceed, but not other wise, and if the case requires it, ~~he~~ such member shall be liable to such censure or such punishment as the council may deem proper or the law may provide.

Sec. 151-50. Procedure when exception is taken to spoken words.

If a member of a council is called to order for words spoken in debate, the member calling ~~him~~ such member to order shall indicate the words excepted to and the words shall be taken down in writing at the clerk's desk and read aloud to the council; however, the member shall not be held to answer, nor be subject to the censure of the council therefor, if further debate or other business shall have intervened.

Sec. 151-51. Time limit on speaking.

No member of a council shall speak more than twice, nor for more than five (5) minutes on each occasion, upon any one question in debate during the same session or meeting, without leave therefor of the council, except in explanation, unless ~~he~~ such member is the mover, proposer or introducer of the matter pending, in which case ~~he~~ such member shall be permitted to speak in reply, but not until every other member desiring to speak shall have spoken.

Sec. 151-52. Roll call votes.

(a) All votes upon the final adoption of proposals for ordinances or general resolutions, motions to reconsider or motions to suspend the rules, shall be by roll call vote. If electronic or mechanical voting systems

are installed for use by the council, the recording of the vote by such methods shall be the same as a vote by calling the roll and may be used for the roll call at the opening of a meeting and to determine a quorum. All ordinances or resolutions shall be adopted solely upon the affirmative vote of a majority of all members of the council. All members present shall vote on all roll call votes except where permitted to abstain ~~by vote of a majority present after stating the reasons therefor.~~

(b) Any councillor, who has a material financial or personal interest, whether direct or indirect, in any matter pending before the council, which interest is distinguishable from the interests of the public in general, shall not engage in deliberations concerning such matter, shall be disqualified from acting on such matter, and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. Such councillor shall disclose the nature of such disqualifying interest at the first meeting at which the matter is considered after such disqualifying interest is apparent to the councillor or is suggested by some other person and shall thereafter remain silent and abstain from any votes on such matter.

(c) Whenever because of personal, business or financial relationships potentially affected by any matter pending before the council, a councillor believes that his participation in the matter might cause an appearance of impropriety even though there is not a disqualifying interest under subsection (b), such councillor shall disclose such relationship and request to abstain from any votes on such matters. The presiding officer shall permit such abstention.

(d) Whenever the propriety of voting of a councillor on any matter is challenged by another councillor and such councillor refuses to abstain, a motion shall be in order to disqualify such councillor on the grounds provided in subsection (b). Such motion shall be decided by majority vote of those present. If the motion to disqualify carries, the vote of such member shall not be counted on the matter with respect to which the councillor was disqualified.

Sec. 151-53. Motions entertained during debate.

When a question is under debate, ~~including while special orders are under consideration,~~ no motion shall be considered except one of the following, which motions shall take precedence in the order stated:

- (1) To recess or adjourn;
- (2) For the previous question;
- (3) To postpone to a time certain;
- (4) To recommit to a committee;
- (5) To amend;
- (6) To postpone indefinitely or to strike a proposal.

When a question is under consideration, a motion to amend and a motion to amend that amendment shall be in order, but no further motion to amend shall be in order until the disposition of that motion.

Sec. 151-54. Previous question.

The form of the previous question shall be: "Shall the debate now close?" The motion for the previous question shall require a majority of those voting and shall be decided without debate. All incidental questions of order arising after a motion is made for a previous question and pending the motion shall be decided, whether on appeal or otherwise, without debate. When the previous question has been ordered on a proposition under debate, the proponent of the question shall have two (2) minutes to close the debate, immediately following which the previous question shall be decided.

Sec. 151-55. Motion to adjourn or recess.

- (a) A motion to adjourn or recess shall be in order, except as follows:
  - (1) When a member is speaking;
  - (2) While the same item of business is pending during which such a previous motion was defeated;

(3) During a roll call.

(b) A motion to recess shall take precedence over a motion to adjourn.

Sec. 151-56. Suspension of these rules.

These rules (except where required by statute) may be suspended by a two-thirds vote of the elected and qualified members of the council. If a rule is suspended, a majority of the members present shall decide the procedure to follow in lieu of the suspended rule. The power to suspend these rules shall not apply to rules which are required by statutory or constitutional law.

Sec. 151-57. Amendment of rules.

These rules, as set forth in this chapter, may be amended only by adopting an amending ordinance in accordance with these rules, except that the approval of the mayor shall not be required with respect to an ordinance amending these rules.

Sec. 151-58. Parliamentary authority.

All meetings of a council and its committees shall be conducted in accordance with the procedures set forth in "Robert's Rules of Order, Newly Revised," except where a different procedure is required by state law, this Code or other ordinances of the city-county council. A majority of the members of the council shall decide all matters of procedure not covered by the authorities stated in this section.

Sec. 151-59. General counsel to act as parliamentarian.

The general counsel shall attend all council meetings and advise the president as the parliamentarian. With permission of the presiding officer, the general counsel may address the council with respect to any point of order or law arising during a meeting of the council.

ARTICLE 5. PREPARATION AND INTRODUCTION OF PROPOSALS

Sec. 151-61. Designation of proposals

(a) Any proposal for action by a council by ordinance or general resolution shall be in writing and entitled in the following form: "A Proposal for a \_\_\_\_\_," inserting therein the class of ordinance or general resolution and the subject matter of the proposal.

(b) Any proposal which contemplates a resolution or other action by a council in the nature of a memorial, commendation or other admonishment or proclamation shall be designated "A Proposal for a Special Resolution." The proposal shall be properly before the council for final action unless the president or the council refers or tables, the proposal. If eight (8) councillors so request the proposal shall be referred to a committee.

(c) Any proposal which contemplates action relating only to the internal procedures of a council, its finances or its staff, or relates to appointments or confirmation of appointments made exclusively by the council, shall be designated "A Proposal for a Council Resolution." The proposal shall be properly before the council for final action at the same meeting at which it is introduced, unless the president or the council refers or postpones it.

(d) All other actions of a council, shall be taken by ordinance or general resolution. Ordinances or general resolutions shall be designated in one of the following classes:

(1) General ordinances; which shall include all ordinances of general application to the public,

(2) Fiscal ordinances; which shall include all ordinances establishing annual budget or appropriations, and any revisions to such budgets or appropriations,

(3) Special ordinances; which shall include ordinances of special application or private concessions,

(4) Rezoning ordinances; which are zoning map changes certified by the Metropolitan Development Commission;



- (5) General resolutions; which are resolutions effecting official actions of governmental or general application.

(e) Proposals for action by a special service district council shall be designated similarly including the respective council.

~~Sec. 151-62. Initiation of proposal.~~

~~A proposal is initiated when fifty (50) copies of the written proposal are submitted to the clerk in proper form, bearing the written approval of the general council. A proposal may be initiated by any member of a council or other person authorized by law, but the person initiating a proposal shall sign the original proposal or such other form as is required by the clerk to record the source of the proposal. When all steps required by this rule are completed, the clerk shall assign the proposal a number. If such steps are completed on the last full business day prior to the date of the meeting of the council, the proposal shall be entered on the agenda of that meeting for introduction.~~

Sec. 151-63. Drafting of proposals and approval as to form.

The general counsel, upon request of any member of a council, a department director, the county auditor, the city controller or other person authorized by law to initiate an ordinance or resolution shall review any suggested ordinance or resolution and cause the suggested ordinance or resolution to be placed in proper form for initiation and shall draft appropriate proposals for any member of a council or city or county official. Such requests shall be made sufficiently in advance as to give adequate time for compliance with the request. The general counsel shall, within five (5) working days after receiving the request, advise when the requested action will be completed. In general, the general counsel shall have five (5) working days in which to draft fiscal ordinances or Code amendments. If the general counsel has previously reviewed the proposal, ~~he~~ the general counsel shall have at least three (3) working days in which to place the proposal in final form and approve it for initiation. If the general counsel refuses to approve a proposal for legal reasons introduction, ~~he~~ the general counsel shall so advise in writing stating briefly those reasons.

Sec. 151-63. Procedures for introduction of proposals.

(a) Councillors or other persons authorized by law may initiate proposals for introduction by submitting such proposals to the clerk for review by the general counsel as to form and legality. If such person is not a councillor, the person shall indicate the councillor who has agreed to sponsor the proposal.

(b) If such proposal is approved by the general counsel and was submitted by noon on the fifth business day prior to the date the preliminary agenda is to become available to the public pursuant to Sec. 161-5(b)(3), the proposal shall be entered on the agenda of that meeting for introduction.

(c) The deadline established by subsection (b) may be waived only by the president of the council.

Sec. 151-64. Fiscal ordinances.

No proposal for a fiscal ordinance shall be initiated unless approved by the proper fiscal officer of the city or county or unless that officer has been notified by the clerk of its receipt at least seven (7) days before introduction. Any proposal for a fiscal ordinance appropriating or transferring funds shall not be approved for introduction if any of the financial data or reports required by this Code are delinquent as to a fund which is the subject of such proposal.

Sec. 151-65. Rezoning Ordinances.

Rezoning ordinances are proposed ordinances certified from the Metropolitan Development Commission changing zone maps incorporated by reference into the zoning ordinance.

Sec. 151-66. Requirements for proposals concerning real estate transactions.

Any proposal for an ordinance or resolution which contemplates the approval of the acquisition or disposal (whether by sale or by lease) of real property shall not be introduced unless either (1) the transfer will occur only after a public bidding process or (2) the owner of property, which is to be acquired or the transferee of property which is to be acquired, is identified in the proposal. For purposes of the section, "owner" or "transferee" shall mean all persons or firms owning or acquiring 10% or more of the equity in the property and, with respect to

any firm owning 10% or more of the equity, any persons or firms owning 10% or more of the equity of such firms.

ARTICLE 6. CONSIDERATION AND ADOPTION OF PROPOSALS

Sec. 151-71. Order of business.

The order of business at each regular or special meeting of a council, shall be determined by the president in advance of the meeting, subject to adoption of an agenda by the council. If such determination is not made, the following shall be the order of business:

- (a) Formal opening ceremony;
- (b) The roll call;
- (c) The introduction and recognition of guests and visitors;
- (d) Official communications from the mayor and other city and county officials;
- (e) Adoption of the agenda;
- (f) Approval of the journal;
- (g) Presentations of petitions, memorials, special resolutions and council resolutions;
- (h) The introduction of proposals;
- (i) Special orders - priority business
  - (1) Reconsideration of the Mayor's Vetoes
  - (2) Rezoning Ordinances (not scheduled for public hearing)
  - (3) Economic Development Bonds
  - (4) Suspension of Regulations
- (j) Special orders - public hearings;
- (k) Special orders - unfinished business;
- (l) Special orders - final adoption of proposals;
- (m) Special service district council meetings;
  - (1) Police
  - (2) Fire
  - (3) Solid Waste
- (n) New business;
- ~~(o) Pending proposals;~~
- ~~(p) Announcements; and adjournment.~~
- (p) Ceremonial adjournments and recognitions of deceased persons;
- (q) Traditional adjournment.

Sec. 151-72. Approval of journal.

At each meeting of a council, if it is held at least seven (7) days after the prior meeting, the clerk shall make available for public inspection and distribute to the members of the council that request them, copies of the journal of the proceedings of the preceding meeting. The president shall call for corrections of the journal in the regular order of business. Unless that order of business is postponed or a motion carried to read the journal, the corrections, if any, shall be noted and the journal shall stand approved without motion.

Sec. 151-73. Petitions.

Any petition directed to a council, whether specifically authorized by law or not, shall be filed with the clerk and called to the attention of the council by the clerk under the proper order of business. If the petition is one specifically authorized by law, the president shall refer it to a proper committee. As to all other petitions, any motion for referral or other appropriate action shall be in order unless the motion requires action which is proper only by a general resolution or ordinance. In calling the petition to the attention of the council, the clerk need not read the petition in full but shall report, fairly describing its contents.

Sec. 151-74. Introduction of proposals.

Proposals shall be introduced and presented to the city-county council only in the following manner: Under the proper item of business, the clerk shall read the proposal, stating only the number, reciting the title and stating the name of the person initiating the proposal. After each proposal is introduced, the president shall state the committee to which the proposal is referred or, if the proposal has been previously referred to a committee, the committee to which the referral was made. If, by law, a public hearing before the entire council is required, the public hearing shall be at the next regular meeting unless the president shall state another date for the public hearing. If the proposal is for a rezoning ordinance, the approval of which by the metropolitan development commission has been certified to the clerk, the president shall inquire if any member moves that the proposal be set for public hearing before the entire city-county council; and, if no such motion is adopted, the proposal shall be deemed adopted.

Sec. 151-75. Consideration for final adoption.

No proposal for an ordinance or general resolution shall be considered for final adoption except when placed upon the agenda as a special order. Any proposal reported by a committee shall be placed on the agenda under the proper category of special orders. Under the order of business "Adoption of Agenda," it shall be in order to move to advance any proposal then introduced to "Special Order - Final Adoption of Proposals." If the motion is to advance a proposal first introduced at the same meeting, the motion shall be carried only if eighteen (18) members of the council vote in the affirmative and the proposal has been distributed in advance of the meeting. No proposal for an ordinance shall be adopted at the same meeting or on the same day of introduction, unless:

(a) By unanimous consent of the council members present the matter is considered and at least two-thirds of all members are present and vote for its adoption.

(b) The ordinance was initiated by a director, board or commission and does not provide for an appropriation or tax levy or the incurring of general obligation indebtedness; or

(c) The ordinance is for the reappropriation or transfer of funds previously appropriated by the annual budget ordinances.

Sec. 151-76. Public hearings.

Whenever a proposal is such that by law a hearing must be held before the entire council, the clerk shall advertise the hearing on the date set by the president and place the proposal on the agenda for that meeting under the order of business "Special Orders - Public Hearings," in the order of introduction.

Sec. 151-77. Special orders - public hearing.

Upon reaching the order of business "Special Orders - Public Hearings," the president shall inquire as to each proposal if members of the public desire to be heard on that proposal. If any appear wishing to be heard the president shall recognize such persons, ~~the city-county council shall recess to a committee of the whole council,~~ as provided in these rules. If none desire to be heard or, upon reconvening the city-county council, the president shall state that the question before the council is on the final adoption of Proposal No. \_\_\_\_\_.

Sec. 151-78. Reconsideration after veto.

If the mayor shall veto any ordinance or general resolution of a council, upon receipt of the communication from the mayor so informing the council and at the next succeeding regular meeting of the council, any member thereof may move to have the ordinance or general resolution made a special order of unfinished business. Upon coming to that order of business, the president shall state the question: "Shall the ordinance or resolution be effective notwithstanding the veto?" If the question receives the statutory majority of two-thirds of the members of the council, the ordinance shall be in effect. If the veto is of one or more items of appropriation, the motion to make a special order of business shall specify which items shall be considered for adoption, notwithstanding the veto and, upon consideration of those items, any member of the council may require that the question be separately put on any one or more of the vetoed items.

Sec. 151-79. Special procedures for rezoning ordinances.

(a) Proposals for changing the zone maps incorporated by reference into the Marion County zoning ordinance may be amended or rejected only after the council holds a public hearing pursuant to IC 36-7-4-608. Whenever pursuant to IC 36-7-4-608 the council schedules such a public hearing, the rules set forth in this section shall apply.

(b) After such public hearing is scheduled by vote of the council, a preliminary investigation shall proceed as follows:

- (1) The general counsel shall notify the administrator of the division of development services within two (2) days after a rezoning hearing is scheduled, and the administrator shall distribute in writing to all council members and the general counsel the staff comments and any other information deemed by him relevant to the matter to be heard. Such materials shall be mailed or delivered at least seven (7) days prior to the hearing date.
- (2) Any interested party may distribute any relevant written materials to council members, provided all such information is distributed to all council members. Such materials will be distributed to council members by the clerk's staff if thirty-five (35) copies are delivered at the staff conference provided in paragraph (3) of this subsection.
- (3) The general counsel shall conduct a preliminary staff conference on all rezoning petitions on the Wednesday immediately preceding the scheduled hearing beginning at 2:00 p.m. in the clerk's offices, unless the petitioners and remonstrators agree to a different time. The petitioner(s) and any remonstrator(s) each shall be represented at such conference by not more than two (2) persons for each side, one of whom may be their attorney.
- (4) The purpose of the staff conference shall be to insure agreement as to the procedures for the public hearing, to promote agreement on order of presentation, to list witnesses and exhibits, ~~and~~ to narrow issues to be heard, and to consider compromises.

(c) Order of public hearings:

- (1) Councillor requesting hearing (two (2) minutes);
- (2) Petitioner(s)' presentation (twenty (20) minutes or less);
- (3) Remonstrator(s)' presentation (twenty (20) minutes or less);
- (4) Public comment from any citizen who has an interest distinct from that represented by petitioner(s) or remonstrator(s) (two (2) minutes or less each);
- (5) Petitioner(s) to close (remainder of twenty (20) minutes if any);
- (6) Remonstrator(s) to close (remainder of twenty (20) minutes if any);
- (7) Council questioning and debate:
  - a. Each council member has the floor only once for not more than two (2) minutes;

- b. All questions by council members and the responses shall be counted within the time allocated in subparagraph a;

(8) Councillors requesting hearing has five (5) minutes to close debate;

(9) Hearing ends, petition is decided.

(d) The petitioner(s) and remonstrator(s) each shall have twenty (20) minutes total per side for presentation and closing, which may be used at their discretion. All testimony, except public comment and questions by council members and the response thereto, shall be treated as part of either the petitioner(s)' or remonstrator(s)' time whether or not called by a party.

(e) If either party is of the opinion that the issues are sufficiently complex to justify additional time, such request shall be made at the staff conference and decided by the council prior to the hearing. No additional time shall be allowed after the hearing begins except by action suspending these rules.

(f) After the public hearing on a proposal for a rezoning ordinance, by a vote of eighteen of the members of the city-county council, the proposal is adopted or rejected as the case may be. Any vote of less than eighteen shall be indecisive; and the proposal shall take effect as adopted pursuant to IC 36-7-4-608(c)(3) on the final action date (as extended).

~~Sec. 151-80. Action to change or postpone.~~

~~Action to change or postpone the effective date of a transportation board resolution adopted pursuant to this Code purporting to establish traffic regulations pursuant to authority delegated by the council, shall be taken by council resolution.~~

Sec. 151-840. Committee reports.

Whenever a committee acts to return a proposal to a council, the ~~chairman~~ person of the committee shall so inform the clerk, stating in writing whether the committee recommends adoption or denial or reports without recommendation.

Sec. 151-821. Special orders - final adoption.

Upon reaching the order of business "Special Orders - Unfinished Business" and the order of business "Special Orders - Final Adoption of Proposals," the president shall state with respect to each proposal in the order listed in the agenda, that the question is on the final adoption of Proposal No. \_\_\_\_\_.

Sec. 151-832. Order of debate.

When the presiding officer has stated a question on final adoption, he shall then recognize the ~~chairman~~ person of the committee to which the proposal was referred or if the ~~chairman~~ person has voted with the minority on the proposal in committee a member of the committee which voted for the committee recommendation, and the member of the council introducing the proposal, if there is one. After the committee recommendations have been announced and after the sponsoring council member has spoken or declined to speak, any member of the council may be recognized for debate or any other matter in order. If the committee has recommended that the proposal be amended, the question before the council shall be on adoption of the proposal as amended by the committee.

Sec. 151-843. Roll call votes.

The presiding officer may state the question of final adoption jointly on more than one proposal; however, if any member of the council objects, the roll call on adoption shall be taken separately on each proposal.

Sec. 151-854. Amendments.

No amendment to a proposal shall be in order unless in writing and copies presented to the president and the clerk. Any amendment may be referred, delayed or otherwise disposed of without delay or prejudice of the proposal itself. The adoption of any amendment not having the prior approval of the general counsel as to form shall have the effect of tabling the proposal until the next meeting.

Sec. 151-86~~5~~. Indecisive vote.

If, after the president has stated the question on final adoption and the council has postponed the final vote or if on final vote the proposal fails to obtain the necessary vote for adoption or defeat, the proposal shall be placed on the agenda of the next meeting under the order of business: "Special Orders - Unfinished Business," unless it is referred back to a committee or tabled or postponed to a time certain or indefinitely.

Sec. 151-86. Adjournment motions recognizing deceased persons.

At the conclusion of each Council meeting immediately prior to traditional adjournment, the Clerk or a member of the Council as designated by the President shall have the opportunity to adjourn the meeting in recognition of and respect for the life and contributions of specifically named deceased persons. The name(s) of such deceased persons shall be submitted to the Clerk by the sponsoring Councillor by 5:00 P.M. at least two work days before the regularly scheduled meeting of the Council at which the motion is to be offered. The motion shall be in writing on a form devised and approved by the Clerk and shall contain all information necessary to facilitate the full intent and process of this ordinance. The following protocol for offering motions is to be used.

*The President*                    The docketed agenda for this meeting of Council having been completed, the Chair will now entertain motions for adjournment.

*President's Designee*    Mr. President.

*The President*                    The Chair recognizes (The Clerk) Councillor \_\_\_\_\_.

*The Councillor*                    Mr. President, I have been asked to offer the following motion(s) for adjournment.

by Councillor \_\_\_\_\_ in memory of \_\_\_\_\_.

by Councillor \_\_\_\_\_ in memory of \_\_\_\_\_.

(This format will be followed through the completion of all names.)

Mr President, I would like to move the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of those persons I have here specifically named. I respectfully ask the support of fellow Councillors. I further request that the motion(s) 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.

*The President*                    Thank you, Councillor \_\_\_\_\_. Hearing no objections, the motion(s) is/are received and the requests are so ordered.

Hearing no further motions for adjournment, we are adjourned. (gavel)

Sec. 151-88.

The letter to be sent to the involved families will take the following form.

Dear \_\_\_\_\_

I am very pleased to advise you that upon motion made by Councillor \_\_\_\_\_, the \_\_\_\_\_ session of the Indianapolis City-County Council was adjourned "in recognition of and respect for the life and contributions of \_\_\_\_\_."

Councillor \_\_\_\_\_'s motion was supported by the full Council and is now a part of our permanent records.

America has been made great by those persons who have made the landmark contributions as well as those whose very presence in the community is a stabilizing influence which lends a sense of purpose and direction. We join you at this time in remembering \_\_\_\_\_.

ARTICLE 7 - COUNCIL STAFF

Sec. 161-1. Appointment and term of office.

The clerk, pursuant to state law, shall be appointed by and serve at the pleasure of the city-county council for a term of one (1) year.

Sec. 161-2. Duties generally.

The clerk shall act as the secretary of the city-county council; ~~he shall~~ send out all notices of city-county council meetings, keep the official records of city-county council proceedings and shall have the duty, pursuant to state law, of keeping an ordinance book and seeing to the publication of ordinances. The clerk shall be the keeper of the city seal and Code.

Sec. 161-3. General duties of the clerk.

In addition to any other duties imposed by state law, this Code or other ordinances of the consolidated city and county, the clerk shall perform the following duties with respect to the proceedings of the city-county council:

- (1) Act as secretary of the city-county council and each special service district council and keep and preserve an accurate journal of all proceedings of the councils;
- (2) Shall cause all notices of regular and special meetings of the Councils and its committees to be served in accordance with state statutes, this Code and other city-county ordinances, these rules and the directions of the president of the council; shall cause the publication of all notices of public hearings as required by law or these rules and shall also deliver all subpoenas issued by authority of the councils.
- (3) Shall be the legal custodian of all records of the councils and of all ordinances and resolutions of the consolidated city and county.
- (4) Shall maintain complete and orderly files containing all papers and documents of every kind and character pertaining to the business of the councils and hold them available for the use and reference of the councils and their members.
- (5) Shall call the roll when directed by the presiding officer in alphabetical order, except that the president shall be called last.

Sec. 161-4. Journal.

The journal of the council shall contain a complete and accurate record of the official proceedings of the city-county council and each special service district council and shall be prepared and kept in the following manner:

- (1) Contents. The clerk shall enter in the journal at least the following information:
  - a. The complete text of all correspondence from the mayor;
  - b. The numbers and titles of all proposed ordinances and resolutions when introduced;
  - c. A brief statement of the contents of any petition or other paper presented for consideration;
  - d. The complete text of each ordinance, resolution or other proposal when before the council for adoption and each amendment proposed thereto;
  - e. Every vote of the council, including the yeas and nays;
  - f. Such other matters as are necessary to keep an accurate record of the proceedings of the councils.
- (2) Publication. After the journal is approved, the clerk shall have one hundred (100) copies of the journal of each meeting printed. One (1) copy shall be delivered to each member of the city-county council as soon as possible. At least fifty (50) copies shall be preserved to be bound with a proper index after the end of each year as the permanent official journal of the councils; one (1) bound copy shall be delivered to each councilman who served during that year.

Sec. 161-5. Calendar and agenda.

The clerk shall prepare a calendar of pending matters and agendas for each meeting of a council, as follows:

- (a) A current calendar shall be available to members of the council within three (3) days after each meeting indicating the status of each matter pending before the council.
- (b) (1) The council staff will prepare in advance of each council meeting a preliminary agenda.

- (2) The preliminary agenda shall list all items of business on which action is anticipated as of the date of such preliminary agenda, but might not contain:
    - a. Economic development bond proposals not yet heard by the economic development committee;
    - b. Rezoning proposals not then certified by the administrator of zoning;
    - c. Resolutions not then submitted to the clerk; and
    - d. Items which may be added to the agenda by suspension of the rules or other lawful procedures.
  - (3) The preliminary agenda shall be available to the public by 2:00 p.m. on the last business day prior to the date of the meeting and shall be mailed to the councillors requesting the same that afternoon.
- (c) The clerk shall prepare an agenda prior to each meeting of the council showing all matters eligible for consideration under each order of business.

Sec. 161-6. Notice of claims; service of civil process.

The clerk shall be the person upon whom notices of claims and civil processes shall be served in all civil actions against the city.

Sec. 161-7. Fees for furnishing copies of documents.

The clerk shall be entitled to receive and shall make a charge for furnishing certified copies of any of the official records in ~~his~~ the clerk's possession. The rate of such fees shall be the same as that for similar service allowed by state law to the clerk of the county circuit court.

Sec. 171-1. Staff officers.

The city-county council shall consider for approval the recommendations of the committee on rules and public policy for appointments to the following staff officer positions:

- (1) Office manager;
- (2) Assistant clerks;
- (3) A general counsel;
- (4) Research directors;
- (5) ~~Fiscal analysts~~ chief financial officer;
- (6) Assistant attorneys.

The president of the council shall be the personnel administrator for salary and compensation of the staff.

Sec. 171-2. General duties of the assistant clerk.

The assistant clerks shall, in the absence of the clerk, be authorized to perform all of the duties prescribed by these rules for the clerk including signing any documents which may require the signature of the clerk. One or more senior assistant clerks shall be designated to act when the clerk is absent.

Sec. 171-3. Appointment and supervision of the general counsel.

The general counsel shall be appointed by the president of the council upon recommendation by the committee on rules and public policy, ~~with the concurrence of the corporation counsel and~~ subject to approval by the council. ~~The general counsel shall be responsible to the corporation counsel for the performance of those duties which by statute the legal division is to perform for the council.~~ The president shall be responsible for supervision of the general counsel.

Sec. 171-4. Duties of the general counsel generally.

(a) The general counsel shall be responsible to see that all ordinances and resolutions requested by members of the council are drafted, shall review and approve all proposed ordinances and resolutions as to form and legality, shall advise the clerk as to all



matters regarding publication and codification of ordinances and shall give legal advice as requested by the councils, their committees and their members.

(b) The general counsel shall be responsible for editing and supervising of the codification of the ordinances and is authorized to renumber and rearrange sections of ordinances or the codification as deemed appropriate.

(c) The general counsel shall also attend meetings of the majority caucus and advise such caucus unless the majority caucus requests other legal representation or if the general counsel determines that an ethical conflict requires withdrawal from such representation.

Sec. 171-5. Assistant attorney.

The assistant attorney shall be appointed by the council upon nomination by the minority leader and with the recommendation by the committee on rules and public policy. The assistant attorney shall serve at the pleasure of the minority council members. The assistant attorney shall be subject to the supervision of the general counsel ~~who shall report periodically to the committee on rules and public policy with respect to the job assignments and time devoted to the position by the assistant attorney.~~ The assistant attorney shall be available to minority council members to render assistance and legal counsel ~~to them and the minority caucus~~ at the direction of the minority leader upon matters pertaining to council business. The assistant attorney shall also assist the general counsel in the preparation of proposals and other matters pertaining to the routine business of the council under the supervision and direction of the general counsel. The assistant attorney shall not be authorized to perform any function by statute delegated to the corporation counsel nor any function by these rules pertaining to the office of general counsel except with the permission of the general counsel, and shall not institute or represent any council ~~man~~ member with respect to any litigation.

Sec. 171-6. Appointment and general duties of the research director.

The research director shall be employed by the clerk upon the recommendation of the committee on rules and public policy, subject to approval by the council. The research director shall be responsible to the president and the general counsel for conducting all research relating to council business, as requested by the president, the general counsel or any member of the councils.

Sec. 171-7. Appointment and general duties of chief financial officer.

Chief financial officer shall be appointed upon recommendation of the committee on rules and public policy, subject to approval by the council. Chief financial officer shall be responsible to the president for analyzing and reporting of budgetary matters under the jurisdiction of the council.

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

PROPOSAL NO. 487, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 487, 1993 on October 20, 1993. The proposal, sponsored by Councillor Jimison, transfers and appropriates \$3,591 for the Superior Court, Criminal Division, Room Six, to cover miscellaneous expenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 487, 1993, as amended, was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT PRESENT: Schneider*

Proposal No. 487, 1993 was retitled FISCAL ORDINANCE NO. 88, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Three Thousand Five Hundred and Ninety-one

Dollars (\$3,591) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Six and reducing certain other appropriations for that 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 (jj) 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, Criminal Division, Room Six to pay for additional supplies.

SECTION 2. The sum of Three Thousand Five Hundred Ninety-one Dollars (\$3,591) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM SIX</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$2,000
3. Other Services and Charges	<u>1,591</u>
TOTAL INCREASE	\$3,591

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM SIX</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>\$3,591</u>
TOTAL REDUCTION	\$3,591

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

PROPOSAL NO. 505, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 505, 1993 on October 20, 1993. The proposal, sponsored by Councillor West, reallocates \$201,807 from the E-911 Fund to the Police General Fund and \$38,005 from the E-911 Fund to the Fire General Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 505, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Hinkle*

1 NOT PRESENT: *Schneider*

Proposal No. 505, 1993 was retitled FISCAL ORDINANCE NO. 89, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 1993

A FISCAL ORDINANCE reallocating Two Hundred One Thousand Eight Hundred Seven Dollars (\$201,807) from the E-911 Fund to the Police General Fund and Thirty-eight Thousand and Five Dollars (\$38,005) from the E-911 Fund to the Fire General Fund.

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

SECTION 1. To approve the reallocation of resources to fund the 1993 budget, to-wit: (1) to provide reimbursement for the dispatch services of the Indianapolis Police Department, Two Hundred One Thousand

Eight Hundred Seven Dollars (\$201,807) is hereby ordered transferred from the E-911 Fund to the Police General Fund, and (2) to provide for the reimbursement for the dispatch services of the Indianapolis Fire Department, Thirty-eight Thousand and Five Dollars (\$38,005) from the E-911 Fund to the Fire General Fund.

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

PROPOSAL NO. 556, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 556, 1993 on October 20, 1993. The proposal transfers and appropriates \$3,500 for the Superior Court, Title IV-D Court, to furnish new courtroom and offices. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption.

Councillor Dowden introduced Barbara Collins, Master Commissioner, Title IV-D Court.

Proposal No. 556, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Schneider*

Proposal No. 556, 1993 was retitled FISCAL ORDINANCE NO. 90, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Three Thousand Five Hundred Dollars (\$3,500) in the County General Fund for purposes of the Superior Court, Title IV-D Court and reducing certain other appropriations for that 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 (yy) 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, Title IV-D Court to furnish a new courtroom and offices.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, TITLE IV-D COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$ 500
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	\$3,500

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

<u>SUPERIOR COURT, TITLE IV-D COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$3,500</u>
TOTAL REDUCTION	\$3,500

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

PROPOSAL NO. 559, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 559, 1993 on October 13, 1993. The proposal transfers and appropriates \$592,826 for the Department of Transportation, Operations Division, to cover overtime expenses and additional salary expense due to contracts won by DOT. 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 Williams, for adoption. Proposal No. 559, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Brents, Golc*

1 NOT PRESENT: *Schneider*

Proposal No. 559, 1993 was retitled FISCAL ORDINANCE NO. 91, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Five Hundred Ninety-two Thousand Eight Hundred Twenty-six Dollars (\$592,826) in the Transportation General Fund for purposes of the Department of Transportation, Operations Division and reducing certain other appropriations from the Finance & Administration Division and the Asset Management Division.

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 Transportation, Operations Division to pay for overtime that is required for employees to handle snow emergencies and to repair potholes.

SECTION 2. The sum of Five Hundred Ninety-two Thousand Eight Hundred Twenty-six Dollars (\$592,826) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF TRANSPORTATION</u> <u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	<u>\$592,826</u>
TOTAL INCREASE	\$592,826

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

<u>DEPARTMENT OF TRANSPORTATION</u> <u>FINANCE AND ADMINISTRATION DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	\$ 80,000
3. Other Services and Charges	161,763
 <u>ASSET MANAGEMENT DIVISION</u>	
1. Personal Services	<u>351,063</u>
TOTAL REDUCTION	\$592,826

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

PROPOSAL NO. 560, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 560, 1993 on October 13, 1993. The proposal transfers and appropriates \$241,473 for the Department of Transportation, Operations Division, to cover salaries and repeals Fiscal Ordinance No. 59, 1993. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Robert Wilkes, Chief Financial Officer, stated that Section 5 in Proposal No. 560, 1993 needs to be deleted which states that Fiscal Ordinance No. 59, 1993 needs to be repealed. Councillor Gilmer moved, seconded by Councillor Short, to delete Section 5 of Proposal No. 560, 1993. This motion passed by unanimous voice vote.

Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal No. 560, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 560, 1993 was retitled FISCAL ORDINANCE NO. 92, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and 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, Operations Division and reducing certain other appropriations from the Finance & Administration Division.

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 Transportation, Operations Division to pay salaries of employees that have won enough bids to warrant a transfer in funds.

SECTION 2. The sum of Two Hundred Forty-one Thousand Four Hundred Seventy-three Dollars (\$241,473) 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 TRANSPORTATION <u>OPERATIONS DIVISION</u> I. Personal Services TOTAL INCREASE	<u>TRANSPORTATION GENERAL FUND</u> \$241,473 \$241,473
--	--

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

DEPARTMENT OF TRANSPORTATION  
FINANCE AND ADMINISTRATION DIVISION

TRANSPORTATION GENERAL FUND

1. Personal Services  
 TOTAL REDUCTION

\$241,473  
\$241,473

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

PROPOSAL NOS. 561, 562, 563, 564 and 565, 1993. Councillor Gilmer asked for consent to vote on these five transportation proposals together. Consent was given. PROPOSAL NO. 561, 1993. The proposal amends the Code by authorizing intersection controls for Liberty Creek subdivision (District 1). PROPOSAL NO. 562, 1993. The proposal amends the Code by authorizing intersection controls for Hunters Crossing subdivision (District 5). PROPOSAL NO. 563, 1993. The proposal amends the Code by authorizing intersection controls for Potomac Place subdivision (District 5). PROPOSAL NO. 564, 1993. The proposal amends the Code by authorizing intersection controls for Warren Woods subdivision (District 5). PROPOSAL NO. 565, 1993. The proposal amends the Code by authorizing intersection controls for Warren Lakes subdivision (District 5). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 561, 562, 563, 564 and 565, 1993 on October 13, 1993. By a 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Ruhmkorff, for adoption. Proposal Nos. 561, 562, 563, 564 and 565, 1993 were adopted on the following roll call vote; viz:

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

Proposal No. 561, 1993 was retitled GENERAL ORDINANCE NO. 145, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 145, 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>
9, Pg. 3	Liberty Creek NDR & Pilgrim Dr	Pilgrim Dr	Yield

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

Proposal No. 562, 1993 was retitled GENERAL ORDINANCE NO. 146, 1993 and reads as follows:

October 25, 1993

CITY-COUNTY GENERAL ORDINANCE NO. 146, 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 I. 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>
21, Pg. 1	Bearwood Dr. & Hunters Blvd.	Bearwood Dr.	Stop
21, Pg. 2	Foxtail Dr. & Hunters Blvd.	Hunters Blvd.	Stop
21, Pg. 3	German Church Rd. & Hunters Blvd.	German Church 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. 563, 1993 was retitled GENERAL ORDINANCE NO. 147, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 147, 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 I. 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>
21, Pg. 5	Treasury Row & 25th St	25th St	Stop

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

Proposal No. 564, 1993 was retitled GENERAL ORDINANCE NO. 148, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 148, 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 I. 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>
21, Pg. 1	Amburg Ct, Amburg Dr, & Wismar Dr	Wismar Dr	Stop
21, Pg. 1	Amburg Dr, Bearwood Ct, & Bearwood Dr	Bearwood Dr	Stop
21, Pg. 3	German Church Rd & Wismar Dr	German Church 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. 565, 1993 was retitled GENERAL ORDINANCE NO. 149, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 149, 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>
28, Pg. 1	Cripple Creek Ct, Grenadier Ln, & Wilford Ln	Grenadier Ln & Wilford Ln	Yield
28, Pg. 1	Cumberland Way Dr, Grenadier Ln	Grenadier Ln	Stop
28, Pg. 1	Cumberland Way Dr, Shannon Pointe Rd	Shannon Pointe Rd	Stop
28, Pg. 1	Cumberland Way Dr, Warren Lake Ct	Cumberland Way Dr	Yield
28, Pg. 1	Cumberland Rd, Grenadier Ln	Cumberland Rd	Stop
28, Pg. 1	Cumberland Rd, Shannon Pointe Rd	Cumberland Rd	Stop
28, Pg. 1	Shannon Pointe Rd, Wilford Ln	Wilford Ln	Stop

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

PROPOSAL NO. 566, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 566, 1993 on October 13, 1993. The proposal amends the Code by authorizing a traffic signal at 86th Street and Commerce Park Place (District 1). 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 Hinkle, for adoption. Proposal No. 566, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: *Black, Brents, Golc, Gray, Shambaugh*

1 NOT PRESENT: *Schneider*

Proposal No. 566, 1993 was retitled GENERAL ORDINANCE NO. 150, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 150, 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>
2, Pg. 1	86th St & Commerce Park Pl	86th St	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>
2, Pg. 1	86th St & Commerce Plark Pl	None	Signal

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

PROPOSAL NO. 567, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 567, 1993 on October 13, 1993. The proposal amends the Code by authorizing a traffic signal for Coe Street (Wishard Hospital) and University Boulevard approximately 600 feet south of Indiana Avenue (District 16). 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. 567, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Brents, Golc*

1 NOT PRESENT: *Schneider*

Proposal No. 567, 1993 was retitled GENERAL ORDINANCE NO. 151, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 151, 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>
24, Pg. 5	Coe St & University Blvd	None	Signal

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

PROPOSAL NO. 568, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 568, 1993 on October 13, 1993. The proposal amends the Code by authorizing a traffic signal for the east entrance to North Willow Mall on West 86th Street (District 3. 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 Dowden, for adoption. Proposal No. 568, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 568, 1993 was retitled GENERAL ORDINANCE NO. 152, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 152, 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>
3, Pg. 9	86th St & North Willow Mall Entrance (2370 W)	None	Signal

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>
3, Pg. 9	86th St & North Willow Mall Entrance (2250 W)	None	Signal

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

PROPOSAL NOS. 571, 572 and 573, 1993. Councillor Gilmer asked for consent to vote on these three transportation proposals together. Consent was given. PROPOSAL NO. 571, 1993. The proposal amends the Code by authorizing a multi-way stop at the intersection of Delaware Street and 57th Street (District 7). PROPOSAL NO. 572, 1993. The proposal amends the Code authorizing a multi-way stop at the intersection of Millersville Road and 42nd Street (District 11). PROPOSAL NO. 573, 1993. The proposal amends the Code by authorizing a 25 mph speed limit on Deer Creek Drive from 52nd Street to 56th Street (District 9). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 571, 572 and 573, 1993 on October 13, 1993. By a 5-0 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. 571, 572 and 573, 1993 were adopted on the following roll call vote; viz:

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

Proposal No. 571, 1993 was retitled GENERAL ORDINANCE NO. 153, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 153, 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>
11, Pg. 5	Delaware St. & 57th St.	57th St.	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>
11, Pg. 5	Delaware St. & 57th St.	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. 572, 1993 was retitled GENERAL ORDINANCE NO. 154, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 154, 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>
18, Pg. 12	Millersville Rd & 42nd St	Millersville 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>
18, Pg. 12	Millersville Rd & 42nd St	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. 573, 1993 was retitled GENERAL ORDINANCE NO. 155, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 155, 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 addition of the following, to wit:

25 MPH  
Deer Creek Drive, from  
52nd Street to 56th Street

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

**SPECIAL SERVICE DISTRICT COUNCILS  
POLICE SPECIAL SERVICE DISTRICT  
SPECIAL ORDERS - PUBLIC HEARING**

A quorum being present, the President called the Police Special Service District Council to order at 9:39 p.m.

PROPOSAL NO. 445, 1993. The proposal appropriates \$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. Councillor Dowden asked for consent to postpone Proposal No. 445, 1993 until November 22, 1993. Consent was given.

### NEW BUSINESS

Councillor Boyd moved that before final arrangements are made and final documents signed by the Capital Improvements Board concerning the construction of a downtown professional baseball stadium, at the discretion of the President, the issue be assigned either to a standing committee of the Council for review and public hearing or to the Council itself sitting as the Committee of the Whole. Councillor Williams seconded the motion.

Councillor Boyd said that this simple motion does not question the authority of the Capital Improvements Board (CIB). All this motion does is bring the Council into the process loop as elected officials who have constituents to which they are responsible. The development of a downtown baseball stadium is going to be a tremendous investment for the City and it is also going to change significantly the landscape downtown. There needs to be an opportunity for public input and public dialogue concerning this issue.

Councillor Borst asked who is the point person or group on this issue. He said that he did not think CIB had the power to do this. Councillor Boyd replied that CIB does have the authority to carry the construction of a baseball stadium through to completion without stopping at the Council. Councillor Short said that state statute gives them the authority. CIB is a separate municipal corporation.

The President said he believes that the Council does have the forum to discuss this and to ask responsible officials to report directly to the Council, either to a Committee or to the Committee of the Whole.

Councillor Golc suggested that the Municipal Corporations Committee hear the CIB presentation on this issue.

Councillor West stated that in order to move ahead in the Regional Center requires (1) proper zoning and (2) Regional Center approval. The rezoning process often involves both the Commission and the Council; Regional Center approval normally involves the Commission.

Councillor Hinkle said that it is highly probable that taxpayers dollars might find their way into the building of a new stadium; therefore, he endorsed Councillor Boyd's motion.

Councillor Boyd's motion passed by unanimous voice vote.

Councillor Williams acknowledged Councillor Short's fortieth birthday.

### ANNOUNCEMENTS AND ADJOURNMENT

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 Machinist Mate Petty Officer Thomas S. Mosley and Doris Means. He respectfully asked 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.

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

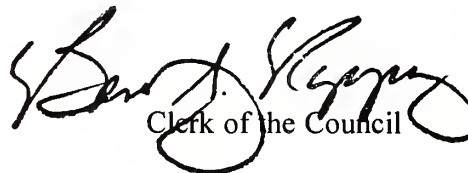
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 25th day of October, 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)