

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

**REGULAR MEETINGS
MONDAY, JULY 11, 1994**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, July 11, 1994, with Councillor SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Dowden expressed appreciation to the Indianapolis Firefighters Union for the buffet dinner served to the Council members and staff before tonight's meeting. He also acknowledged the presence of all the firefighters who were present.

Councillor Hinkle recognized Pam Sheads, President of the Mount Auburn Neighborhood Association, and Louise Bogden, a long-time friend and neighborhood activist.

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, July 11, 1994, 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
President, City-County Council

June 28, 1994

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, June 30, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 356, 358, 359, 362, 363, 364 and 367, 1994, to be held on Monday, July 11, 1994, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

June 29, 1994

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, Suellen Hart, the following ordinances and resolutions:

GENERAL ORDINANCE NO. 83, 1994 - amending the Code by authorizing a multi-way stop at Carrollton Avenue and 50th Street and at Carrollton Avenue and 51st Street (District 7)

GENERAL ORDINANCE NO. 85, 1994 - amending the Code by authorizing a multi-way stop at Northgate Street and Norwaldo Avenue (District 7)

GENERAL ORDINANCE NO. 86, 1994 - amending the Code by authorizing a multi-way stop at Coffman Road and 72nd Street (District 1)

GENERAL ORDINANCE NO. 87, 1994 - amending the Code by authorizing a multi-way stop at 57th Street and Guilford Avenue (District 7)

GENERAL ORDINANCE NO. 88, 1994 - amending the Code by authorizing a multi-way stop at Whitty Lane and 14th Street (District 12)

GENERAL ORDINANCE NO. 89, 1994 - amending the Code by authorizing a 30 minute parking restriction for College Avenue from 54th Street to a point 140 feet north of 54th Street (District 7)

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GENERAL ORDINANCE NO. 90, 1994 - amending the Code by authorizing parking restrictions for Shelby Street, on the westside, from Cameron Avenue to McDougal Street (District 20)

GENERAL ORDINANCE NO. 91, 1994 - amending the Code by deleting parking restrictions on 16th Street from 185 feet west of Winton Street to 200 feet east of Winton Street (District 8)

FISCAL ORDINANCE NO. 49, 1994 - appropriating \$866,054 in the State and Federal Grants Fund for Community Corrections to cover operational expenses for fiscal year 1994-95

FISCAL ORDINANCE NO. 50, 1994 - appropriating \$199,877 in the State and Federal Grants Fund for Community Corrections to continue the Craine House Family Living Program for fiscal year 1994-95

FISCAL ORDINANCE NO. 51, 1994 - appropriating \$73,927 in the State and Federal Grants Fund for Community Corrections to continue the Juvenile Intensive Probation Services program for fiscal year 1994-95

FISCAL ORDINANCE NO. 52, 1994 - appropriating \$42,000 in the State and Federal Grants Fund for Community Corrections to pay Project Courage's executive director's salary for fiscal year 1994-95

FISCAL ORDINANCE NO. 53, 1994 - appropriating \$180,221 in the Home Detention User Fee Fund for Community Corrections to cover operational expenses for fiscal year 1994-95

FISCAL ORDINANCE NO. 54, 1994 - transferring and appropriating \$4,000 in the Home Detention User Fee Fund for the County Auditor to pay personal services fringes for Community Corrections for the remainder of the fiscal year

SPECIAL RESOLUTION NO. 50, 1994 - amending the salary schedule for Marion County employees by adding a contingency range

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Councillor Dowden asked for consent to advance Proposal No. 266, 1994 and to hear it preceding the Introduction of Proposals. Consent was given.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of June 27, 1994. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 416, 1994. This proposal, sponsored by Councillor O'Dell, recognizes the Marion County Children's Guardian Home Guild. Councillor O'Dell asked Councillor Ruhmkorff, Paul Browne, Superintendent, Marion County Children's Guardian Home, and members of the Guild to join him at the podium. Councillor O'Dell read the resolution and the following Guild members expressed appreciation for the recognition: Mary Begovich, Candy Faulkner, Jean Fife, Rosemary Dilley, Vivian Miller and Mary Keith. President SerVaas voiced his appreciation to the Guild for their worthwhile work at the Children's Home. Councillor O'Dell moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 416, 1994 was adopted by unanimous voice vote.

Proposal No. 416, 1994 was retitled SPECIAL RESOLUTION NO. 51, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 1994

A SPECIAL RESOLUTION recognizing the Marion County Children's Guardian Home Guild.

WHEREAS, the Marion County Children's Guardian Home was established in Irvington in 1898, and now 3,200 children a year who have been abandoned, abused and neglected are sheltered in this House of Refuge for a few hours through a few months until their destinations are sorted out; and

WHEREAS, government, with its limitations, provides for the creature comfort and safety of the young people, but the Guardian's Home and Irvington have grown up together during the entire 20th Century, and since 1944, the volunteers of the Children's Guardian Home Guild have offered their personal warmth, kindness and love to the Home's children who have been dealt a short hand during their young and impressionable years; and

WHEREAS, in 1994, the 300-member Guardian's Home Guild commemorates 50 years of helping rejected kids find some self-esteem, showing that good role models and loving people do exist, showering the children with simple acts of kindness, and helping the Home purchase furniture, dishes, curtains, paint and many other needed items; and

WHEREAS, during the Persian Gulf War, the children were very anxious about the American soldiers, so the Guild worked with the kids to write touching letters to the troops; 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 dedicated work of the Marion County Children's Guardian Home, and the volunteers of the Guardian Home Guild.

SECTION 2. The Council commends the members of the Guild who show the children love, and improve the odds that the youngsters might be able to grow up with pride in themselves and to achieve an honorable and useful station in life.

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. 417, 1994. This proposal, sponsored by Councillors Dowden, Schneider, and SerVaas, recognizes East 91st Street Christian Church. Councillor Dowden read the resolution and said that it would be presented at a later date. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 417, 1994 was adopted by unanimous voice vote.

Proposal No. 417, 1994 was retitled SPECIAL RESOLUTION NO. 52, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 1994

A SPECIAL RESOLUTION recognizing the East 91st Street Christian Church.

WHEREAS, the East 91st Street Christian Church will celebrate its 70th anniversary on July 23, 1994; and

WHEREAS, this over 4,000 member congregation started as the Montrose Church of Christ with 26 members in 1924; and

WHEREAS, this Church has remained faithful to its doctrinal roots and maintained its strong congregational independency; and

WHEREAS, it has stood as a beacon of hope and an anchor of faith for its growing Church family through years of economic depression and years of wartime emergencies as well as years of peace and prosperity; and

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WHEREAS, the East 91st Street Christian Church continues to minister to its members spiritual needs and reach out to the greater Indianapolis community and the world in its missionary effort; 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 congratulates East 91st Street Christian Church on its Seventieth Anniversary and extends its best wishes for the future.

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

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 266, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 266, 1994 on May 12, July 5 and July 7, 1994. The proposal amends the Code to clarify that an off-track betting facility is a permitted use in the C-4, C-5 and C-7 Commercial Zoning Districts and to add an off-track betting facility as a permitted use in the C-6 Commercial District. Proposal No. 266, 1994 was certified by the Metropolitan Development Commission on April 22, 1994. The Council must act upon Proposal No. 266, 1994 by July 21 or it becomes law as it was proposed by the Metropolitan Development Commission. Councillor West stated that the Committee by a vote of 5-0 on July 7, 1994 recommends its amendment and its adoption as amended, and moved that Proposal No. 266, 1994 be amended by substituting the Committee version.

Councillor West stated that many citizens voiced their concern that there should be public hearings and neighborhood response to proposed off-track betting (OTB) facilities. On May 23, 1994 the Council passed a resolution which placed a 90-day moratorium on the issuing of permits for OTB facilities to provide time to establish zoning standards for them in Marion County. During this moratorium period the Indiana Horse Racing Commission granted a permit for an off-track betting facility to the Sagamore Group near the Lafayette Square Mall. A letter from J. June Dugan, Administrator, Neighborhood and Development Services Division, Department of Metropolitan Development (DMD), was read into the record at the Horse Racing Commission hearing indicating that C-4 zoning permits off-track betting facilities, but that a 90-day moratorium had been put into effect by the Council. The Sagamore Group has threatened a lawsuit because its site is in a C-4 District and they feel that Ms. Dugan's letter had assured them that OTBs were a permissible use in a C-4 District.

Councillor West further stated that the Metropolitan Development Committee at its July 5th meeting approved a special exception use for OTBs under the Commercial Zoning Ordinance, which would provide for public review of OTB facility petitions before the Metropolitan Development Commission and a possible appeal to the Council.

Councillor McClamroch seconded Councillor West's motion.

Councillor Hinkle said that despite the knowledge that the Indiana Horse Racing Commission had regarding the Council's moratorium on off-track betting permits, it has given notice at a public meeting of its intent to grant a permit to the Sagamore Group for a satellite off-track facility for a specific site here in Indianapolis. This was done because a representative of the City's administration gave the impression that C-4, C-5 and C-7 were acceptable zonings for off-track betting. All of this took place prior to Proposal 266 coming under consideration by

the Council. He said that due to the potential liability of a major lawsuit on the taxpayers of Marion County, he moved to amend the Committee substitute version for Proposal No. 266, 1994 by inserting in Section 1, at the end of the new subsection C of Sec. 2.00 the following sentence:

Provided, however, the prohibitions of this subsection shall not apply to prohibit SU-44 uses of property which is in a C-4 District on the effective date of this ordinance, if (i) it is a site for which prior to July 1, 1994, the Indiana Horse Racing Commission has announced at a public hearing its intention to issue a license to operate a satellite (off-track betting) facility, and (ii) development plans that meet the requirements for the SU-44 District have been approved by the administrator of the neighborhood and development services division prior to July 1, 1995.

This motion was seconded by Councillor McClamroch.

Councillor Williams questioned that a mid-level staff person has the authority to approve or disapprove the granting of permits. She also commented that she did not like being threatened by a lawsuit.

Councillor West said he opposes Councillor Hinkle's amendment because he believes it would grant preferential treatment to one applicant. He also said that in all of the hearings the Committee tried to honor the idea that citizens would be part of the public hearings on any off-track betting establishments. This is not about gambling, this is about fairness in representative government.

Councillor Borst stated that throughout city government employees represent the City on many issues. Sometimes they are right and sometimes they are wrong. He said that it did not make sense to him that the Council should go through all this discussion just because a letter was sent concerning C-4 zoning for OTBs when no law had been passed and no policy formulated on OTBs.

Councillor McClamroch asked Robert G. Elrod, General Counsel, to give the Council a comprehensive review of the legal situation on this matter.

Mr. Elrod stated that back in March opinions were expressed by the administration that OTBs could be built in C-4 District. Proposal No. 266, 1994 was developed by the Metropolitan Development Commission to clarify the current law in three of those districts and extend it to a fourth. The issue is whether someone who made an agreement to buy a piece of property earlier this summer in a C-4 District can build an OTB on it. The C-4 description is not very clear. There are two ways to decide what this ordinance means:

- (1) Legislative intent. Nothing was written down about off-track betting because gambling was not legal when that classification was created.
- (2) Administrative interpretation. There have been some administrative opinions that were written and some that were oral that would suggest that OTBs are permitted in a C-4 District. The risk comes not from the fact that the opinions that were expressed were right or wrong, but that a court will find the Sagamore Group's use acceptable and that the Council is legislating to prohibit a project that has already started.

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Councillor Borst said that zoning laws are concerned with not creating a hardship on a piece of property. He believes the only hardship that would be created in this case is if the Sagamore Group would go through the process and be denied a permit later on. The current ordinance does not say whether an OTB can be built or not--it is a whole new public policy.

Mr. Elrod said that there may be a hardship if another hurdle is put in place that makes it impossible for the petitioner to get through the process.

Councillor Williams asked for a short recess. This request was rejected by a majority voice vote.

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

13 YEAS: Beadling, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith

13 NAYS: Borst, Boyd, Brents, Golc, Gray, Jimison, Jones, Moriarty Adams, Mullin, Rhodes, Ruhmkorff, West, Williams

1 NOT VOTING: Short

2 NOT PRESENT: Black, Coughenour

The President said that Councillor West's motion to substitute the Committee version for Proposal No. 266, 1994 was now on the floor.

Councillor Williams asked how many votes does it take to pass Councillor West's substitute. The President said that it would take eighteen votes.

Councillor Gilmer asked what would happen if Councillor West's amendment does not receive eighteen votes. Mr. Elrod replied that if the amendment fails then the proposal that came to the Council from the Metropolitan Development Commission is still before the Council, and other action could be taken. If no action is taken before July 21, the proposal is adopted. If it receives eighteen votes, the ordinance has been amended and it goes back to the Metropolitan Development Commission for its approval.

Councillor Rhodes stated that he does not believe there is a need for an off-track betting facility anywhere in Marion County. But if OTBs are going to happen in Marion County he wants them classified as special uses which will protect the neighborhoods.

Councillor McClamroch stated that he understands this proposal excludes the Central Business District. Councillor West said that the protected districts are listed in Sec. 2.00 (F)3. There is nothing in the proposal about the Central Business District.

Councillor McClamroch asked if the Council has the opportunity to regulate OTBs in the mile-square downtown area. Mr. Elrod responded that under this ordinance it does not.

Councillor McClamroch stated that it is his understanding that the Indiana Horse Racing Commission has dictated that another applicant has to locate outside a certain area and would have the ability to locate downtown.

Councillor West said that it is his opinion that a special use designation would still be needed for OTBs under the special use ordinance.

Councillor McClamroch said that Mr. Elrod has opined that downtown is excluded from this ordinance and the Council needs to understand why downtown is any less a neighborhood than the rest of Marion County.

Councillor West said that in Sec. 1.00 it lists the special use zoning districts for Marion County. He read that, "No use shall be permitted in any special use zoning district other than the following permitted use or uses specified for said districts." He stated that he understands that special use ordinance applies to downtown.

Councillor Gilmer moved the previous question.

Councillor Williams asked Ed Mitro, Senior Planner, DMD, to explain this issue.

Mr. Mitro read the following section from Proposal No. 266, 1994:

Sec. 2.00. Commercial Zoning District regulations.

C. *Prohibited Uses.* Uses for which the following Special Use Districts are provided, under the Special Use Districts Zoning Ordinance (as last amended by Docket No. 94-AO-4) as in effect from time to time, shall not be permitted in any Commercial Zoning District created under this Commercial Zoning Ordinance:

- SU-8 Correctional and penal institution
- SU-10 Cemetery
- SU-13 Sanitary Landfill
- SU-18 Light or power substation
- SU-23 Permanent gravel or sand processing plat, rock crushing, grinding or milling and stock piling.
- SU-28 Petroleum refinery and petroleum products storage.
- SU-35 Telecommunication receiving or broadcasting tower and associated accessory buildings.
- SU-39 Water tank, water pumping station and similar structures not located on buildings.
- SU-41 Sewage disposal plant; garbage feeding and disposal.
- SU-42 Gas Utility
- SU-43 Power transmission lines.
- SU-44 Off-track Pari Mutuel Wagering Facilities, Licensed as Satellite Facilities under IC 4-31-5.5.

Mr. Mitro said that the Commercial Zoning Ordinance is everything outside of the Central Business District. The Central Business District is a completely separate ordinance and is not referenced under this amendment.

Councillor Hinkle asked for confirmation that the Council is creating an exception for one company to be able build an OTB in the Central Business District without a public hearing.

Mr. Elrod said that this is exactly how this problem was created. People express opinions about hypothetical uses in certain areas. If the Council wants opinions on what is permitted in a zoning district, another forum should be used. It is a very complex question.

Councillor Gilmer's motion to move the question passed by a unanimous voice vote.

Councillor Short asked that the following memo be read into the record.

MEMORANDUM

To: Councillor Short
From: Sue A. Beesley, Corporation Counsel
Date: July 11, 1994
Re: Voting on Zoning Regulations for Off Track Betting

July 11, 1994

You have requested my opinion on whether you should abstain from voting on zoning regulations concerning sites for off track betting in Marion County. It is my understanding that you have clients with interests in this business.

Since Proposal 266, 1994 is merely an enabling ordinance and does not involve any specific site or specific organization, it is my opinion that your participation would not violate the ethics ordinance. Any potential pecuniary interest you might receive would be highly speculative at this point in time.

However, in the event a zoning proceeding involving a specific site for a client of yours or even a competitor were to come before the Council, then I would recommend you abstain from participating and voting.

If you have any further questions please do not hesitate to contact me.

Councillor Short read the following prepared statement:

Mr. President,

I felt it was important to read the previous memorandum into the record for various reasons:

First of all, it is true that I have a client, Churchill Downs, who owns a horsetrack in Anderson, Indiana. I have a variety of clients in many fields.

But the issue I'm addressing is not my profession or that of my clients. We in this body are all part time councillors who have full time jobs or other responsibilities.

The issue I'm addressing is my integrity. Over the last week, it has been brought to my attention that certain folks in this audience tonight have questioned my ability to do this job in an ethical, reasonable, and responsible way.

Mr. President, it is my opinion and that of our Corporation Counsel that I have acted ethically, reasonably, and responsibly.

Councillor Short asked for consent to abstain from voting on Proposal 266. Consent was given.

Councillor Borst asked for consent to explain his vote. Consent was given. He said that he voted against this proposal because it only pertains to the Commercial Zoning District.

Councillor West's motion that Proposal No. 266, 1994 be amended by substituting the Committee version passed by the following roll call vote; viz:

24 YEAS: Beadling, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

2 NAYS: Borst, Hinkle

1 NOT VOTING: Short

2 NOT PRESENT: Black, Coughenour

Councillor Hinkle asked for consent to explain his vote. Consent was given. He said that he voted against this proposal because he does not want the Central Business District excluded from the Special Use Ordinance.

Councillor Boyd moved that Proposal No. 266, 1994 be returned to the Metropolitan Development Commission as amended. Councillor Curry seconded the motion.

Councillor Borst asked if the SU-44 zoning in this proposal covers all of Marion County. Mr. Mitro replied that it does not cover the Central Business District.

Councillor Williams stated that she supports Proposal No. 266, 1994, as amended, because a commitment was made to her that there would be no off-track betting facilities anywhere within the vicinity of residential neighborhoods within the Central Business District.

Councillor Rhodes stated that Proposal No. 266, 1994, as amended, protects 99% of the land area. He said that he will co-sponsor with Councillor Borst a proposal that the same rules would apply in the Central Business District as in the rest of the county.

Mr. Elrod stated that only the Metropolitan Development Commission can initiate an amendment to a zoning ordinance in this county.

Proposal No. 266, 1994, as amended, was passed by the following roll call vote; viz:

23 YEAS: Beadling, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

3 NAYS: Borst, Hinkle, Jimison

1 NOT VOTING: Short

2 NOT PRESENT: Black, Coughenour

Proposal No. 266, 1994 was retitled GENERAL ORDINANCE NO. 92, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 1994
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 94-AO-7

A GENERAL ORDINANCE to the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Commercial Zoning Ordinance, as amended, and the Special Use Districts Zoning Ordinance and fixing a time when the same shall take effect.

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

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

SECTION 1. The Commercial Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, and 92-AO-4), as amended, pursuant to IC 36-7-4, be further amended by adding a new subsection C in Section 2.00 to read as follows:

Sec. 2.00. Commercial Zoning District regulations.

C. Prohibited Uses. Uses for which the following Special Use Districts are provided, under the Special Use Districts Zoning Ordinance (as last amended by Docket No. 94-AO-4) as in effect from time to time, shall not be permitted in any Commercial Zoning District created under this Commercial Zoning Ordinance:

<u>SU-8</u>	<u>Correctional and penal institution</u>
<u>SU-10</u>	<u>Cemetery</u>
<u>SU-13</u>	<u>Sanitary Landfill</u>
<u>SU-18</u>	<u>Light or power substation</u>

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<u>SU-23</u>	<u>Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling.</u>
<u>SU-28</u>	<u>Petroleum refinery and petroleum products storage.</u>
<u>SU-35</u>	<u>Telecommunication receiving or broadcasting tower and associated accessory buildings.</u>
<u>SU-39</u>	<u>Water tank, water pumping station and similar structures not located on buildings.</u>
<u>SU-41</u>	<u>Sewage disposal plant; garbage feeding and disposal.</u>
<u>SU-42</u>	<u>Gas Utility</u>
<u>SU-43</u>	<u>Power transmission lines.</u>
<u>SU-44</u>	<u>Off-track Pari Mutuel Wagering Facilities, Licensed as Satellite Facilities under IC 4-31-5.5.</u>

SECTION 2. The Special Use Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 66-AO-3, 67-AO-5, 68-AO-13, 78-AO-1, and 94-AO-4, be further amended by deleting the stricken-through language and inserting the underlined language to read as follows:

SPECIAL USE DISTRICTS ZONING ORDINANCE
OF MARION COUNTY, INDIANA
CHAPTER I

Sec. 1.00. Establishment of Special Use Zoning Districts -Permitted Uses

The following primary Special Use Zoning Districts for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this ordinance). No use shall be permitted in any Special Use Zoning District other than the following permitted use or uses specified for each said district, respectively:

<i>Special Use Zoning District</i>	<i>Symbol</i>	<i>Permitted Use</i>
I	SU-1	Religious use (as defined in section 2.01,B.
II	SU-2	School
III	SU-3	Golf course, golf driving range, golf country club--public or private
V	SU-5	Radio receiving or broadcasting tower and accessory buildings
VI	SU-6	Hospital, sanitarium, nursing home
VII	SU-7	Charitable, philanthropic and not-for-profit institution
VIII	SU-8	Correctional and penal institution
IX	SU-9	Building(s) and grounds used by any department of town, city, township, county, state or federal government
X	SU-10	Cemetery
XIII	SU-13	Sanitary landfill
XVI	SU-16	Indoor and outdoor commercial amusement, recreation and entertainment establishment
XVIII	SU-18	Light or power substation
XX	SU-20	Telephone exchange offices
XXIII	SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling
XXVIII	SU-28	Petroleum refinery and petroleum products storage
XXXIV	SU-34	a. Club rooms b. Fraternal rooms--Fraternity and lodge c. Ballroom--Public
XXXV	SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings
XXXVII	SU-37	Library
XXXVIII	SU-38	Community center
XXXIV	SU-39	Water tank, water pumping station and similar structures not located on buildings
XXXXI	SU-41	Sewage disposal plant; garbage feeding and disposal
XXXXII	SU-42	Gas utility
XXXXIII	SU-43	Power transmission lines
<u>XXXXIV</u>	<u>SU-44</u>	<u>Off-track pari mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5</u>

Including for each said district, Accessory Uses and Structures, subordinate, appropriate and incidental to the above permitted primary uses.

CHAPTER II

Sec. 2.00. Special Use District Regulations

The following regulations shall apply to all land within the Special Use Districts.

A. *Applicability Of Regulations.* After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Neighborhood and Development Services Division or approved by said Metropolitan Development Commission, as hereinafter provided. Said request shall be in the form of an application for an Improvement Location Permit.

Upon the application for such permit request, the Administrator of the Neighborhood and Development Services Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the proposed site and development plan and landscape plan. (The action of the Administrator upon such permit application shall be subject to the filing of an appeal in the form of an Approval Petition, within ten (10) days of denial of said approval, by any aggrieved person to the Metropolitan Development Commission as specified in the Rules of Procedure of the Metropolitan Development Commission.)

The Metropolitan Development Commission may consider and act upon such appeals of the action of the Administrator at any public meeting of the Commission, and shall either approve, disapprove, or approve subject to any conditions, amendments, or covenants by the petitioner, the site and development plan and landscape plan. The Approval Petition shall be heard in accordance with the Metropolitan Development Commission's Rules of Procedure.

No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.

3. Legally established nonconforming uses and structures or buildings not located in any Flood Control District may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.
4. All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this ordinance or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that District.

B. *Performance Standards.* All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. *Vibration:* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter:* Smoke, dust, particulate matter and any other air borne material shall be subject to, and comply with, the standards and regulations of the Air Pollution

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Ordinance as contained in Chapter 4 of the Code of Indianapolis and Marion County, Indiana, and regulations promulgated pursuant thereto by the Indianapolis Air Pollution Control Board.

3. *Noxious matter:* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor:* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound:* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
6. *Heat and glare:* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. *Waste matter:* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

C. *Development Standards* All uses permitted within the Special Use Districts shall be administratively reviewed (as noted in Section 2.00, A, 1 and 2), using as a guide the development standards applicable to the specified district as follows:

<i>Special Use Zoning District</i>	<i>Applicable District For Development Standards Compliance</i>
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per Section 2.00, D)
SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	I-5-S
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	I-5-S
SU-42	C-1 (And as per Section 2.00, E)
SU-43	I-1-S
<u>SU-44</u>	<u>C-3</u>

The Administrator, in reviewing Special Use District development, shall have the power to modify the standards noted above, and approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

D. *Additional Development Standards for the Special Use XIII (SU-13) District* In addition to the regulations of Section 2.00 A, B, and C, the following regulations shall apply to Special Use District XIII (SU-13):

1. *Land use restriction:* Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in Section 2.01, B.

Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District.

"Open Dumping", as defined in Section 2.01, B, shall not be permitted in the SU-13 District. No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.

2. *Minimum lot area:* Ten (10) acres.
3. *Minimum frontage:* Three hundred (300) feet.
4. *Minimum yards:* Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.

No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.

5. *Fencing:* The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.
6. *Buffer strip:* A buffer planting strip, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. *Signs:* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
8. *Access drive:* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet.

Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.

9. *Required permit, site and operational plan; bond:*
 - a. No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 District until a Permit has been issued by the Neighborhood and Development Services Division and a bond filed therefore, as required by sub-paragraph b. hereof.
 - b. Applications for the Permit required by subparagraph a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and the completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph c. hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Said bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- c. Applications for the Permit required by sub-paragraph a. above shall be accompanied by the following:

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- (1) proposed Site and Operational Plan, including topographic maps (at a scale of not over one hundred [100] feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Administrator of the Neighborhood and Development Services Division shall be required prior to the issuance of said permit.

- (2) An area map.

10. *Operation:*

- a. Supervision of operation. A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.
- b. Unloading of refuse. Unloading of refuse shall be continuously supervised.
- c. Site maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- d. Spreading and compacting of refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.
- e. Daily cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- f. Final cover. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- g. Maintenance of cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
- h. Hazardous materials, including liquids and sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
- i. Burning. No refuse shall be burned on the premises.
- j. Salvage. Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
- k. Insect and rodent control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.

- l. Drainage of surface water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- m. Characteristics of cover material. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- n. Water pollution and nuisance control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.
- o. Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

11. *Completion of Landfill:* Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:
 - a. result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
 - b. minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

E. *Additional Development Standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of Section 2.00 A, B and C, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.

4. No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street or highway.
5. All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred-thirty [330] square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where said lot boundary abuts an active railroad line.

Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.

6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an Industrial or Commercial District, the front yard shall be not less than sixty (60) feet in depth.

Provided further that in the event said lot adjoins a Dwelling District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of said Dwelling District, said fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten percent (10%) of the front yard area, a front yard shall be planted in grass or other suitable ground cover.

8. A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
9. A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
10. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4).
11. All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
12. Each building or structure housing such facilities and equipment shall be enclosed by a six (6) foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Said hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event said lot adjoins a Dwelling District, said fence and hedge shall not be located closer to any street right-of-way than the established setback line of said Dwelling District.

F. *Additional regulations applicable to Special Use XXXXIV (SU-44) District.* In addition to the regulations in Section 2.00 A, B and C, the following regulations shall apply to Special Use District XXXXIV (SU-44):

1. Permitted uses: The only commercial activities permitted in this district shall be:
 - a. pari-mutuel wagering on horse races, and
 - b. providing full service dining facilities

by the holder of a satellite facilities license issued under IC 4-31-5.5.

2. Development standards:

- a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.
- b. No drive-through service or outside sales shall be permitted.
- c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.
- d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.
- e. No accessory structures shall be permitted.
- f. Lighting of parking area.
 - (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
 - (2) In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
 - (3) Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
 - (4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York, a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof).
 - (5) Further, it shall be prohibited to:
 - (a) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
 - (b) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

3. No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:

- a. Dwelling Districts.
- b. Historic Preservation Districts.
- c. Park Districts.
- d. University Quarter Districts.
- e. SU-1 District (Church).
- f. SU-2 District (School).
- g. SU-37 District (Library).

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h. SU-38 District (Community Center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing a church, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification.

If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased spaced occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation.

Sec. 2.01. Construction of language and definitions.

A. *Construction of Language.* The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. *Definitions.*

1. *Administrator:* Administrator of the Neighborhood and Development Services Division or his/her appointed representative.
2. *Hardsurfaced:* Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
3. *Lot line:* The legal boundary of a lot as recorded in the office of the Marion County Recorder.
4. *Lot line, front:* The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.
5. *Lot line, rear:* A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot any, any lot line which intersects with a front lot line shall not be considered a rear lot line.
6. *Lot line, side:* Any lot line not designated as a front or rear lot line.

7. *Open dumping:* A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.
8. *Religious use:* A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
9. *Sanitary landfill:* A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
10. *Yard, front:* An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.
11. *Yard, rear:* An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.
12. *Yard, side:* An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

SECTION 3. If any provision of this ordinance shall be held invalid, it invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

[Clerk's Note: The Council took a fifteen-minute recess at this time: 9:10 - 9:25 p.m.]

Councillor Borst asked for consent to hear Proposal Nos. 384, 385 and 386, 1994 at this time. Consent was given.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 384, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 384, 1994 on July 6, 1994. The proposal amends S.R. No. 72, 1990, as amended, by extending the expiration date for Homeward Partners, Inc. through December 31, 1994 (various Regional Center sites, Districts 16 and 20). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Franklin, for adoption. Proposal No. 384, 1994 was adopted on the following roll call vote; viz:

17 YEAS: Beadling, Borst, Boyd, Brents, Curry, Dowden, Giffin, Golc, Jimison, McClamroch, Moriarty Adams, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith

0 NAYS:

10 NOT VOTING: Franklin, Gilmer, Gray, Hinkle, Jones, Mullin, O'Dell, Short, West, Williams

2 NOT PRESENT: Black, Coughenour

Proposal No. 384, 1994 was retitled SPECIAL RESOLUTION NO. 53, 1994 and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1994

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

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

WHEREAS, City-County Special Resolution No. 72, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Homeward Partners, Inc. (the "Company") which Inducement Resolution set an expiration date of July 31, 1994 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the city, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of July 31, 1994, contained therein and replacing said date with the date of December 31, 1994.

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

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

PROPOSAL NO. 385, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 385, 1994 on July 6, 1994. The proposal is an inducement resolution for North American Laboratory, Inc. in an amount not to exceed \$3,000,000 for the acquisition, construction and equipping of an approximately 50,000 square foot building to be located at the southwest corner of 62nd Street and Guion Road which will be used for the manufacturing of a variety of dry mix products for the healthcare and food service industries (District 9). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 385, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Gilmer, Jones

2 NOT PRESENT: Black, Coughenour

Proposal No. 385, 1994 was retitled SPECIAL RESOLUTION NO. 54, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1994

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, the North American Laboratory Company (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition, construction, installation and equipping a building containing approximately 50,000 square feet to be located at the southwest corner of 62nd Street and Guion Road, Indianapolis, Indiana on approximately 13 acres of land which will be used by the Applicant for the manufacturing of a variety of dry mix products for the healthcare and food service industries; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (fourteen (14) jobs at the end of one year and twenty-seven (27) jobs at the end of three years plus the creation of construction jobs over the construction period) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it appears at this time that the acquisition, construction, installation and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; NOW, THEREFORE:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention and creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention and creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Three Million Dollars (\$3,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires December 31, 1994, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said

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economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (TD 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

PROPOSAL NO. 386, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 386, 1994. The proposal ratifies and extends S.R. No. 124, 1991 concerning Veltri Indiana, Inc. (Original Applicant) and MTJ Enterprises and ATF Automotive Group, Inc. (Successor Applicants) in an amount not to exceed \$8,500,000 for the acquisition, renovation, construction, equipping and expansion of an existing building containing approximately 105,858 square feet located at 415 North Tremont Avenue which will be used for the processing and manufacturing of metal stamping products (District 16). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption. Proposal No. 386, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Williams*

2 NOT PRESENT: *Black, Coughenour*

Proposal No. 386, 1994 was retitled SPECIAL RESOLUTION NO. 55, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1994

A SPECIAL RESOLUTION ratifying and extending certain actions and proceedings with respect to certain proposed economic development bonds taken pursuant to Special Resolution No. 124, 1991.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-1-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to the company or directly owned by the company; and

WHEREAS, Veltri Indiana, Inc. (the "Original Applicant") previously advised the Indianapolis Economic Development Commission and the Issuer that it proposed that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition, renovation, construction, installation, equipping and expansion of an existing building containing approximately 105,858 square feet located at 413 North Tremont Avenue, Indianapolis, Marion County, Indiana on approximately 8.62 acres of land to be used for processing and manufacturing of metal stamping products; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Issuer, in response to the request by the Original Applicant, adopted City-County Special Resolution No. 124, 1991 on December 9, 1991; and

WHEREAS, it was found that the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately seventy-five (75) after one (1) year and one hundred fifty (150) after three (3) years) and the creation of business opportunities to be achieved by the acquisition, renovation, construction, installation, equipping and expansion of the Project would serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, in actuality two hundred (200) new employment opportunities have been created; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it was found that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it was found that the acquisition, renovation, construction, installation, equipping and expansion of the Project would not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; and

WHEREAS, the Indiana operations of Veltri International were organized for business as subchapter - S corporations denominated Veltri Holdings USA, Inc., 100% owned by Michael T.J. Veltri, and MTJ Enterprises, Inc. and ATF Automotive Group, Inc., each being 100% owned by Veltri Holdings USA, Inc., rather than in the name Veltri Indiana, Inc. as originally planned; and

WHEREAS, the land and building improvements are now owned by MTJ Enterprises, Inc. and the machinery and equipment is now owned by ATF Automotive Group, Inc. (collectively, the "Successor applicants"); and

WHEREAS, the Successor Applicants were under intense time pressure in December of 1991 to establish a location and immediately commence operations in Indiana; and

WHEREAS, the Successor Applicants determined that there was not enough cost financable with bond proceeds to justify a bond issue (because MTJ Enterprises, Inc. was initially required to lease the land and building improvements and because ATF Automotive Group, Inc. installed primarily used machinery and equipment) and therefore did not foresee a need to extend Special Resolution No. 124, 1991; and

WHEREAS, MTJ Enterprises, Inc. ultimately acquired the land, building improvements, machinery and equipment on August 16, 1993, from the mortgagee of the landlord/owner; and

WHEREAS, an amount exceeding 15% of the acquisition price has been or will be expended for the rehabilitation of the Project within two (2) years of the later of the acquisition thereof or the issuance of the bonds; and

WHEREAS, the Successor Applicants now desire to ratify and extend the inducement granted pursuant to Special Resolution No. 124, 1991 in order to finance the reimbursement of its purchase costs of the land and building improvements and the rehabilitation portion of the Project and the purchase costs of new machinery and equipment and the installation costs of new and used machinery and equipment portion of the Project; now therefore;

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

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SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation of opportunities for gainful employment (an estimated additional number of jobs of approximately two hundred (200)) within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer ratify and extend such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It initially found, determined, ratified and confirmed that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Eight Million five Hundred Thousand Dollars (\$8,500,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, renovation, construction, installation, equipping and expansion of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation, construction, installation, equipping and expansion of the Project would serve the public purposes referred to above in accordance with the Act, and now hereby ratifies and confirms that the issuance and sale of revenue Bonds of the Issuer in an amount not to exceed Seven Million Dollars (\$7,000,000) under the Act for the same purposes will serve the same public purposes under the Act.

SECTION 3. In order to ratify and confirm Special Resolution No. 124, 1991, which caused the Successor Applicants to proceed with the acquisition, renovation, construction, installation, equipping and expansion of the Project, this Council hereby finds, determines, ratifies and confirms Special Resolution No. 124, 1991 and that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Successor Applicants and (b) subject to the further caveat that inducement resolution, Special Resolution 124, 1991 as extended hereby, expires December 31, 1994, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Successor Applicants, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as it may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Successor Applicants to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of Special Resolution No. 124, 1991, including reimbursement or repayment to the Successor Applicants of monies expended by the Successor Applicants for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, renovation, construction, installation, equipping and expansion of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Successor Applicants or loan the proceeds of the revenue bonds to the Successor Applicants for the same purpose. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

Councillor Curry asked for consent to hear Proposal No. 276, 1994 at this time. Consent was given.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 276, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 276, 1994 on May 16, June 6 and July 5, 1994. The proposal

appropriates \$199,600 in the County General Fund for the County Coroner to contract with University Clinical Pathology Associates to perform forensic pathology services, to include toxicology and histology work at their facilities. Councillor Rhodes stated that Dr. Karl Manders, County Coroner, worked with Jack Borgerding, Chief Financial Officer to the Council, to attain the best services for Marion County at the least expense. In order to do that it was decided to contract with Indiana University (IU) for full services. IU has agreed to submit the initial reports within 24 hours and the final reports within two weeks. The reports would be generated at IU and at the Coroner's Office simultaneously. Dr. Manders explained that the communications lines have been reopened between IU, the Coroner's Office, the law enforcement agencies, and the Prosecutor's Office.

Councillor Rhodes said that Dr. Manders was supposed to submit a report to the Councillors before this meeting regarding his plan for the Coroner's Office. The contract with IU is Dr. Manders' plan. Mr. Borgerding delivered a memo to all the Councillors concerning information and numbers for the Coroner's Office. The original request from unappropriated County General Funds was \$318,000--that has been reduced to \$122,896.

By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes said that he abstained from voting in Committee because he had reservations regarding the contract with IU. He now supports the proposal and asked Dr. Manders to address the Council concerning the contract.

Dr. Manders said that the contract cannot be finalized until this appropriation is approved. IU will do the forensics, and the Coroner's Office will do the administration. With this contract the Coroner's Office has the ability to withhold funds from IU if any of the measures in the contract are not promptly carried out.

Councillor Golc asked if the two forensic pathologists that are currently on the Coroner's staff are contractual employees. Dr. Manders responded that they are contractual employees for the Coroner's Office. Councillor Golc inquired as to what will happen to the two contractual employees if IU is given this contract. Dr. Manders asked Andy Siewert, Office of Corporation Counsel, to answer that question. Mr. Siewert stated that both pathologists are under professional service contract with the Coroner's Office. The contracts have four year terms of which three remain.

Councillor Golc asked if the Coroner's Office will still need these two contractual employees, and if not, who will be paying their salaries. Dr. Manders responded that there are escape clauses in the contract that make it possible for either party to terminate the contract. Councillor Golc asked who will absorb the rest of their salaries if their services are no longer necessary. Dr. Manders replied that he hopes that no further compensation will be necessary.

Councillor Curry asked Dr. Manders if he will represent that he will not be back this year or next for an increase in Character 01 dollars for the two contractual employees. Dr. Manders said that he will represent that. Councillor Curry asked what is the length of the IU contract. Dr. Manders answered that it begins when the contract is signed to January 1 and will be renewable on an annual basis.

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Councillor Curry asked in the event that there is a dispute between the Coroner's Office and IU, is there a means for arbitration. Dr. Manders said the contract provides for mediation between the two parties. Councillor Curry asked if there is a low risk of litigation in the event of a default by one party or the other. Dr. Manders answered that the possibility of any problems arising the way this contract is written is minimal. The contract is very specific. It is binding on both sides, and it contains a mediation clause. The problem that occurred initially was that there were issues that were not spelled out. With the previous administration these were smoldering problems, and no one addressed them. Dr. Manders said that he inherited this mess, and both sides have had difficulty in communicating.

Councillor Williams said that she has some questions for the Auditor's Office. She asked if an employee sues Marion County and wins, does the money come out of the officeholder's budget that is involved. William Lantz, III, Deputy Auditor, responded in the affirmative.

Councillor Williams asked how many officeholders have come forth with what they view as critical needs and the Auditor has told them that there is no money and so therefore the Council does not see that appropriation request. Mr. Lantz said that the Auditor's Office forwards all appropriation requests to the Council. It is noted on the ordinance request that funds are not available. The Auditor does not prevent them from being sent to the Council.

Councillor Williams said that there are some proposals that have been tabled from other county agencies because the General Fund balance is too low. She said the Council is not in a position tonight to weigh all of this information to make a decision as to which are the most critical needs and which are not. The Coroner's request is the only one before the Council at this meeting. She said that she is going to oppose this proposal because these kinds of discussions ought to happen at budget time when everything is on the table.

Councillor Hinkle said that the Council was expecting a report from Dr. Manders which would delineate what choice the Coroner intended to make, why that choice was being made, what his objectives were going to be and the financial consequences. Councillor Hinkle said that given the fact that the Council did not receive this report, he moved that Proposal No. 276, 1994, as amended, be tabled until August 8, 1994. Councillor Short seconded the motion.

The President passed the gavel to Councillor McClamroch.

The President said that when an officer succeeds another officer he takes what he has and makes some changes. This Coroner made some changes. Everything used to be done at IU, and then it was decided to set up in-house operations. That made it more expensive and it also caused delays. A financial investigation was made of the Coroner's Office and as a result, reductions were made in the administration and more reductions are contemplated. The Coroner has said there have been errors made on both sides. The President said that he believes both parties are sincere in having worked out an agreement. This is probably the best arrangement that can be achieved. The Prosecutor is holding cases until this matter has been settled. The President urged the Councillors to consider the recommendation made by the Committee.

Councillor McClamroch passed the gavel back to the President.

Councillor Hinkle stated that he appreciates that more reductions are being contemplated. The Coroner has said that he inherited a mess. Councillor Hinkle said he does not recall the Coroner's Office being in a mess until this year. He believes Dr. Dennis Nicholas, who served many honorable years in that office, did an admirable job.

Councillor Short stated that he supports the motion to table because he never heard before this meeting that the present pathologists have four-year contracts. The question was asked of Dr. Manders at the last Committee meeting what will happen to these two people and he said that they will be terminated. Councillor Short said that had he known that they had contracts he would have thought differently about the proposal. He is somewhat concerned that 60 days ago this appropriation was for \$300,000, 30 days ago it was \$208,000 and now it is \$122,000--perhaps if the Council waits longer it could be reduced further. He said he would also like to see the new contract between the Coroner's Office and IU before action is taken on this proposal.

Councillor Moriarty asked if escape clauses in the pathologists contracts instruct that the salaries be paid for the remainder of the contract if either party decides to leave the contract. Mr. Siewert answered that the contract allows the Coroner to terminate the contract with 30 days notice with any material breach and it allows the contractors to leave for any reason on 60 days notice. Their salaries would be paid for 30 days.

Councillor Borst said that the County needs the best forensic office that it can have and the public needs a first class operation. He does not support tabling this proposal because he does not believe it will make any difference.

Councillor Beadling asked if the Coroner is a full-time position or part-time and what is the size of his staff. Dr. Manders responded that the County Coroner is a part-time job and there are four to five deputies, a chief deputy, and three secretaries on his staff.

Councillor Beadling asked how much the Coroner's Office will pay IU out of this \$123,000 appropriation. Mr. Borgerding responded that the contract is for \$470,000 annually, billed monthly.

Councillor McClamroch stated that Dr. Nicholas was easily one of the finest public servants that Marion County probably ever had. Councillor McClamroch believes that any implication by Dr. Manders that he inherited a mess is inappropriate. Dr. Nicholas in his last year in office spent \$779,465. Dr. Manders' forecast for this year, if this proposal is adopted, will be either \$1,002,217 or \$985,054, which is a 20 to 25% increase. Councillor McClamroch said that he is opposed to this proposal because it is an appropriation from the County General Fund. The County General Fund is at about half the level of what it needs to be for the County to maintain its bond rating. Judge James Payne has been told no on his request for a computer; the Sheriff needs \$600,000 to pay for food expense; and there is the issue of the county jail which will be heard later at this meeting. He asked how the Council could think about giving the Coroner money when it is facing those issues. The Council cannot afford to continually give additional appropriations to offices that do not have the ability to forecast in their budget what their needs are going to be. This is a matter for the budget process. If Dr. Manders wants to come back through the budget process for 1995 and ask for these dollars at that time, it will be considered. Councillor McClamroch said that he will vote

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against the 1995 budget if it appears that Dr. Manders is asking for funds to fund termination pay for any employees or independent contractors.

Councillor Franklin said he supports this proposal because the first order of business for local government is public safety and he believes this request comes under public safety. The County has to have competent forensic pathologists. Councillor Smith also stated that he supports the contractual arrangement with IU and will vote for this proposal.

Councillor Hinkle's motion to table until August 8, 1994 failed by the following roll call vote; viz:

12 YEAS: Boyd, Gilmer, Golc, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, Short, West, Williams

15 NAYS: Beadling, Borst, Brents, Curry, Dowden, Franklin, Giffin, Jones, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith

2 NOT PRESENT: Black, Coughenour

The President called for public testimony at 10:36 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Borst, for adoption. Proposal No. 276, 1994, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Borst, Curry, Dowden, Franklin, Giffin, Jimison, Jones, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West

12 NAYS: Beadling, Boyd, Brents, Gilmer, Golc, Gray, Hinkle, McClamroch, Moriarty Adams, Mullin, Short, Williams

2 NOT PRESENT: Black, Coughenour

Proposal No. 276, 1994 was retitled FISCAL ORDINANCE NO. 55, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 55, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional One Hundred Ninety-nine Thousand Six Hundred Dollars (\$199,600) in the County General Fund for purposes of the County Coroner and reducing certain other appropriations for that office 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 (g) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Coroner to contract with University Clinical Pathology Associates to perform forensic pathology services, to include toxicology and histology work at their facilities.

SECTION 2. The sum of One Hundred Ninety-nine Thousand Six Hundred Dollars (\$199,600) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts and unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY CORONER
3. Other Services and Charges
TOTAL INCREASE

COUNTY GENERAL FUND
199,600
199,600

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

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	43,958
2. Supplies	25,506
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	7,240
Unappropriated and Unencumbered County General Fund	<u>122,896</u>
TOTAL REDUCTION	199,600

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

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

PROPOSAL NO. 177, 1994. The proposal reappoints Larry J. Barrett to the Beech Grove Economic Development Commission. Proposal No. 177, 1994 was adopted by a unanimous voice vote.

Proposal No. 177, 1994 was retitled COUNCIL RESOLUTION NO. 71, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 1994

A COUNCIL RESOLUTION reappointing Larry J. Barrett to the Beech Grove Economic Development Commission.

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

SECTION 1. As a member of the Beech Grove Economic Development Commission, the Council appoints:

Larry J. Barrett

SECTION 2. The appointment made by this resolution is for a term ending January 31, 1998. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 296, 1994. The proposal appoints John A. Borgerding as Chief Financial Officer to the Council. Proposal No. 296, 1994 was adopted by a unanimous voice vote.

Proposal No. 296, 1994 was retitled COUNCIL RESOLUTION NO. 72, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 1994

A COUNCIL RESOLUTION appointing John A. Borgerding as Chief Financial Officer of the City-County Council.

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

SECTION 1. John A. Borgerding is hereby appointed Chief Financial Officer of the City-County Council.

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SECTION 2. This resolution shall be in effect from and after adoption.

PROPOSAL NO. 345, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 345, 1994 on June 28, 1994. The proposal, sponsored by Councillors McClamroch, O'Dell, Rhodes and SerVaas, amends the 1994 schedule of regular council meetings. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor McClamroch, for adoption. Proposal No. 345, 1994, as amended, was adopted by unanimous voice vote.

Proposal No. 345, 1994, as amended, was retitled COUNCIL RESOLUTION NO. 73, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 1994

A COUNCIL RESOLUTION amending the 1994 schedule of regular council meetings.

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

SECTION 1. The City-County Council hereby amends Council Resolution No. 66, 1993, the 1994 schedule of regular council meetings, by changing the Monday, October 31, 1994 meeting to Tuesday, November 1, 1994, and the Monday, September 26, 1994, meeting to Wednesday, September 28, 1994.

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

Councillor West asked for consent to hear Proposal Nos. 357, 358 and 359, 1994 at this time. Consent was given.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NOS. 357, 358 and 359, 1994. The President ruled that these proposals would be discussed and voted on together. PROPOSAL NO. 357, 1994. The proposal establishes the "HUD Section 8 Special Revenue Fund." PROPOSAL NO. 358, 1994. The proposal is an appropriation to operate the Marion County Section Eight Subsidy Program by making the Housing Assistance Payments for eligible Section Eight families and paying the administrative expenses associated with the program for the Department of Metropolitan Development, Public Housing Division, from the HUD Section 8 Special Revenue Fund in the amount of \$11,416,185 financed by revenues from the HUD Section Eight Subsidy Grant. PROPOSAL NO. 359, 1994. The proposal is an appropriation to support the Low Income Public Housing Program which covers salaries, materials, and utility expenses for the rehabilitation of the vacant units located at various locations for the Department of Metropolitan Development, Public Housing Division, from the Indianapolis Housing Authority Fund in the amount of \$1,471,147 financed by additional HUD contributions. Councillor West reported that the Metropolitan Development Committee heard these three proposals on July 7, 1994. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 10:45 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Smith, for adoption.

Councillor Borst acknowledged the presence of John Nelson, Administrator, Public Housing Division, DMD, and announced that the City's Public Housing has been taken off the troubled list by the Department of Housing and Urban Development (HUD).

Proposal Nos. 357, 358 and 359, 1994 were adopted on the following roll call vote; viz:

22 YEAS: *Beadling, Borst, Boyd, Brents, Curry, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

5 NOT VOTING: *Dowden, Franklin, Giffin, Gray, Schneider*

2 NOT PRESENT: *Black, Coughenour*

Proposal No. 357, 1994 was retitled GENERAL ORDINANCE NO. 93, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 1994

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County establishing the "HUD Section 8 Special Revenue Fund."

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

SECTION 1. Article III of Chapter 135 of the Revised Code of the Consolidated City and County be, and is hereby amended by adding new Sec. 135-341 through Sec. 135-343 to read as follows:

Sec. 135-341. HUD Section 8 Special Revenue Fund. There is hereby established a special non-reverting fund for the Department of Metropolitan Development, Division of Housing, to be designated the "HUD Section 8 Special Revenue Fund." The controller shall deposit in such fund specific revenue sources that are intended for housing assistance under the United States Department of Housing and Urban Development Section 8 Housing Assistance Payment Programs.

Sec. 135-342. Non-Reverting Fund. This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year and no such balances shall lapse into the city general fund or be diverted directly or indirectly in any manner for any purpose other than that for which such revenues were received. Provided, however, administrative expenses incurred by other city funds for the operation of the Section 8 Program may be reimbursed to those funds.

Sec. 135-343. Appropriations. Amounts shall be paid from such fund only pursuant to appropriations authorized by the City-County Council in the normal budgeting processes.

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

Proposal No. 358, 1994 was retitled FISCAL ORDINANCE NO. 56, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 56, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Eleven Million Four Hundred Sixteen Thousand One Hundred Eighty-five Dollars (\$11,416,185) in the HUD Section 8 Special Revenue Fund for purposes of the Department of Metropolitan Development, Public Housing Division, and reducing the unappropriated and unencumbered balance in the HUD Section 8 Special Revenue Fund.

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

July 11, 1994

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01. (j) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Public Housing Division, to operate the Marion County Section Eight Subsidy Program by making the Housing Assistance Payments for eligible Section Eight families and paying the administrative expenses associated with the program.

SECTION 2. The sum of Eleven Million Four Hundred Sixteen Thousand One Hundred Eighty-five Dollars (\$11,416,185) 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>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>PUBLIC HOUSING DIVISION</u>	<u>HUD SECTION 8 SPECIAL REVENUE FUND</u>
1. Personal Services	206,146
2. Supplies	50,000
3. Other Services and Charges	11,110,039
4. Capital Outlay	<u>50,000</u>
TOTAL INCREASE	11,416,185

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

	<u>HUD SECTION 8 SPECIAL REVENUE FUND</u>
Unappropriated and Unencumbered	
HUD Section 8 Special Revenue Fund	<u>11,416,185</u>
TOTAL REDUCTION	11,416,185

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 359, 1994 was retitled FISCAL ORDINANCE NO. 57, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 57, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Million Four Hundred Seventy-one Thousand One Hundred Forty-seven Dollars (\$1,471,147) in the Indianapolis Housing Authority Fund for purposes of the Department of Metropolitan Development, Public Housing Division, and reducing the unappropriated and unencumbered balance in the Indianapolis Housing Authority 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. (j) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Public Housing Division, to support the Low Income Public Housing Program which covers salaries, materials, and utility expenses for the rehabilitation of the vacant units located at its 15 communities.

SECTION 2. The sum of One Million Four Hundred Seventy-one Thousand One Hundred Forty-seven Dollars (\$1,471,147) 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 METROPOLITAN DEVELOPMENT

PUBLIC HOUSING DIVISION

INDIANAPOLIS HOUSING AUTHORITY FUND

1. Personal Services	87,704
2. Supplies	633,454
3. Other Services and Charges	<u>749,989</u>
TOTAL INCREASE	1,471,147

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

INDIANAPOLIS HOUSING AUTHORITY FUND

Unappropriated and Unencumbered Indianapolis Housing Authority Fund	<u>1,471,147</u>
TOTAL REDUCTION	1,471,147

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Councillor McClamroch moved to amend the agenda so that the next item will be Proposal No. 354, 1994, and that the Introduction of Proposals be moved to the end of the agenda. Councillor Short seconded the motion. This motion passed by consent.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 354, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 354, 1994 on June 29, 1994. The proposal declares the construction of the sixth and seventh floors to the Marion County Jail a necessity and directing the Indianapolis-Marion County Building Authority to proceed immediately with the financing and construction of the two additional floors to the Jail. By an 8-0 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 McClamroch moved to amend Proposal No. 354, 1994, Section 5, by adding the words "and upon approval of this plan by Judge Dillon" at the end of the sentence. Councillor Short seconded the motion. This motion passed by the following roll call vote; viz:

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

Proposal No. 354, 1994, as amended, was adopted on the following roll call vote; viz:

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

July 11, 1994

Proposal No. 354, 1994, as amended, was retitled SPECIAL RESOLUTION NO. 56, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1994

A SPECIAL RESOLUTION declaring the construction of the sixth and seventh floors to the Marion County Jail a necessity and directing the Indianapolis-Marion County Building Authority to proceed immediately with the financing and construction of the two additional floors to the Jail.

WHEREAS, the Indianapolis-Marion County Building Authority ("Building Authority") was created under the provisions of IC 36-9-13-1 et seq. for the purpose of financing, constructing, renovating, equipping, operating and leasing buildings for public and governmental purposes to governmental units within Marion County; and

WHEREAS, the Building Authority in 1983 financed a five-story addition to the Marion County Jail by issuing \$19,900,000 Jail Building Bonds of 1983 and completed the construction of the addition to the Jail on January 1, 1986; and

WHEREAS, such five-story addition was designed and planned in 1981 and 1982 to provide for additional inmate capacity at some later date by adding the sixth and seventh floors to such addition; and

WHEREAS, the Marion County Sheriff needs to resolve the continuing problem of overcrowding of inmates in the Marion County Jail and the inevitability of the fact that additional inmate space and capacity needs to be constructed; and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana ("Council") now determines that it is in the best interests of the taxpayers and residents of Marion County Jail to provide additional inmate capacity and to lease such space to the County of Marion; now, therefore:

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

SECTION 1. The Council hereby declares that a necessity exists for the construction of additional inmate space and capacity of the Marion County Jail to relieve the continuing problem of overcrowding of inmates at the Jail.

SECTION 2. The Council finds that the construction of the sixth and seventh floors to the Marion County Jail is the best solution to providing additional inmate space and capacity at the Marion County Jail and is in the best interests of the taxpayers and residents of Marion County.

SECTION 3. The Council authorizes the Building Authority to proceed with the development of the plans and specifications for the construction of the sixth and seventh floors of the Marion County Jail including related equipment, determine the costs of construction and financing thereof, and to propose the terms and conditions of the lease or lease amendments between the Building Authority and the County for occupancy of such facilities.

SECTION 4. The Council authorizes the Mayor of the City of Indianapolis as the chief executive for the County of Marion, the Auditor of the County of Marion, and the Marion County Sheriff to take all action and to execute such documents as are necessary and appropriate to cause the Building Authority to finance and construct the sixth and seventh floors to the Marion County Jail.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, and upon approval of this plan by Judge Dillon.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 418, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on June 30, 1994." The Council did not schedule Proposal No. 418, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 418, 1994 was retitled REZONING ORDINANCE NO. 86, 1994 and is identified as follows:

REZONING ORDINANCE NO. 86, 1994. 94-Z-78 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 2.
7259 NEW AUGUSTA ROAD (approximate address), INDIANAPOLIS.
J & M DEVELOPMENT COMPANY, INC., by James B. Burroughs, requests the rezoning of 16.14 acres,
being in the I-2-S District, to the D-6II classification to provide for multi-family residential development.

PROPOSAL NO. 419, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 8, 1994." The Council did not schedule Proposal No. 419, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 419, 1994 was retitled REZONING ORDINANCE NO. 87, 1994 and is identified as follows:

REZONING ORDINANCE NO. 87, 1994. 93-Z-185 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 10.
3333 NORTH EMERSON AVENUE (approximate address), INDIANAPOLIS.
MACEDONIA MISSIONARY BAPTIST CHURCH, by Gordon Smith, requests the rezoning of 8.0 acres,
being in the D-4 District, to the C-S classification to provide for a multi-purpose service center including six churches, a bible college, computer school, an Indianapolis Public Schools kindergarten, a day care center and a garment manufacturing operation.

PROPOSAL NO. 420, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 8, 1994." The Council did not schedule Proposal No. 420, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 420, 1994 was retitled REZONING ORDINANCE NO. 88, 1994 and is identified as follows:

REZONING ORDINANCE NO. 88, 1994. 94-Z-55 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 4.
7005 SARGENT ROAD (approximate address), INDIANAPOLIS.
DAVID R. and DEBORAH A. WILLS request the rezoning of 10.232 acres, being in the SU-34, D-S and SU-16 Districts, to the SU-34 classification to provide for a swim club.

PROPOSAL NO. 421, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 8, 1994." The Council did not schedule Proposal No. 421, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 421, 1994 was retitled REZONING ORDINANCE NO. 89, 1994 and is identified as follows:

REZONING ORDINANCE NO. 89, 1994. 94-Z-39 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.
8225-8235 CRAWFORDSVILLE ROAD (approximate address), INDIANAPOLIS.
JIMMIE M. CATT and INDIANAPOLIS POWER AND LIGHT COMPANY, by Michael J. Kias, request the rezoning of 2.78 acres, being in the D-A and SU-18 Districts, to the C-4 classification to provide for commercial development.

PROPOSAL NOS. 422-426, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 8, 1994." The Council did not schedule Proposal Nos. 422-426, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 422-426, 1994 were retitled REZONING ORDINANCE NOS. 90-94, 1994 and are identified as follows:

REZONING ORDINANCE NO. 90, 1994. 93-Z-152 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
2402 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

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CHESTER GOINS, by Thomas Michael Quinn, requests the rezoning of 120 acres, being in the D-A District, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 91, 1994. 94-Z-102 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.

3239 TANSEL ROAD (approximate address), INDIANAPOLIS.

TIMBER PARK DEVELOPMENT CORPORATION, by John W. Van Buskirk, requests the rezoning of 1.1 acres, being in the D-6II District, to the D-5II classification to provide for construction of three residential duplexes.

REZONING ORDINANCE NO. 92, 1994. 94-Z-86 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 25.

7508 LAKE ROAD (approximate address), INDIANAPOLIS.

GEORGE F. KOPETSKY II, by G. Thomas Blankenship, requests the rezoning of 40 acres, being in the D-A District, to the D-A(GSB) classification to provide for excavation of sand, gravel, borrow and other minerals and earthen materials and to provide for a temporary processing plant for the processing and stockpiling of said materials (5 year temporary processing and stockpiling permitted).

REZONING ORDINANCE NO. 93, 1994. 94-Z-96 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 10.

2658 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

GREENFIELD BUILDERS, INC., by Joseph M. Scimia, requests the rezoning of 9.335 acres, being in the C-5 and I-3-S District, to the C-5 classification to provide for commercial development.

REZONING ORDINANCE NO. 94, 1994. 94-Z-100 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.

5383 WEST ROCKVILLE ROAD (approximate address), INDIANAPOLIS.

CLANCY'S INC. requests the rezoning of 0.144 acre, being in the SU-1 District, to the C-4 classification to provide for employee parking for an existing restaurant.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 243, 1994. The proposal appropriates \$645,000 for the Sheriff to cover food expense for the jail inmates through the end of the year and to pay for inmate housing at the Riverside Community Corrections facility. PROPOSAL NO. 245, 1994. The proposal appropriates \$58,971 for Community Corrections to provide additional security to supervise an increased number of inmates being housed in the Community Corrections Center. PROPOSAL NO. 330, 1994. The proposal appropriates \$99,630 in the County General Fund for the Presiding Judge of the Municipal Court to upgrade staff and equipment in order to be included in the Superior Civil case rotation--this appropriation will cover the salaries of 3 part-time commissioners and 3 full-time court reporters and the purchase of 3 recording machines. PROPOSAL NO. 362, 1994. The proposal is an appropriation to hire a deputy prosecutor to prosecute drunk driving cases and develop a new sentencing program for the Prosecuting Attorney from the County Drug Free Community Fund in the amount of \$36,750 financed by Drug Free Community Fees. Councillor Dowden asked for consent to postpone Proposal Nos. 243, 245, 330 and 362, 1994 until August 22, 1994. Consent was given.

PROPOSAL NO. 363, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 363, 1994 on June 29, 1994. The proposal is an appropriation to establish the Marion County Traffic Safety Partnership which will fund drunk driving law enforcement activities, including roadblocks, saturation patrols and public awareness, for the Prosecuting Attorney from the State and Federal Grants Fund in the amount of \$110,000 financed by a federal grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 11:01 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 363, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

2 NOT PRESENT: *Black, Coughenour*

Proposal No. 363, 1994 was retitled FISCAL ORDINANCE NO. 58, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Ten Thousand Dollars (\$110,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney 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 (x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to establish the Marion County Traffic Safety Partnership which will fund drunk driving law enforcement activities, including roadblocks, saturation patrols and public awareness.

SECTION 2. The sum of One Hundred Ten Thousand Dollars (\$110,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	32,653
2. Supplies	6,500
3. Other Services and Charges	58,000
4. Capital Outlay	5,500
<u>COUNTY AUDITOR</u>	
1. Personal Services	<u>7,347</u>
TOTAL INCREASE	110,000

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>110,000</u>
TOTAL REDUCTION	110,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 364, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 364, 1994 on June 29, 1994. The proposal is an appropriation to provide Adult Protective Services for fiscal year 1994-95 for the Prosecuting Attorney from the State and Federal Grants Fund in the amount of \$88,770 financed by a state grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 11:02 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 364, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Giffin, Golc*

2 NOT PRESENT: *Black, Coughenour*

Proposal No. 364, 1994 was retitled FISCAL ORDINANCE NO. 59, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Eighty-eight Thousand Seven Hundred Seventy Dollars (\$88,770) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney 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 (b) and (x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Prosecuting Attorney to continue to provide Adult Protective Services for fiscal year 1994-95 which is funded by the State Adult Protective Services Grant.

SECTION 2. The sum of Eighty-eight Thousand Seven Hundred Seventy Dollars (\$88,770) 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>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	72,465
 <u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>16,305</u>
 TOTAL INCREASE	 88,770

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>88,770</u>
TOTAL REDUCTION	88,770

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 367, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 367, 1994 on June 29, 1994. The proposal transfers and appropriates \$77,000 for the following purposes: (1) for the Marion County Justice Agency to pay the salaries associated with the responsibility of eligibility screening for defendants processed through Pre Trial Services, and (2) for the Court Administrator Agency to make payments for psychiatric services and pro se post conviction relief transcripts. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 11:08 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 367, 1994, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Brents, Giffin*

2 NOT PRESENT: *Black, Coughenour*

Proposal No. 367, 1994, as amended, was retitled FISCAL ORDINANCE NO. 60, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Seventy-seven Thousand Dollars (\$77,000) in the County General Fund for purposes of the Court Administrator Agency and the Marion County Justice Agency and reducing certain other appropriations in the County General Fund for the Marion County Public Defender Agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (w), (ee) and (xx) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for the following purposes: (1) for the Marion County Justice Agency to pay the salaries associated with the responsibility of eligibility screening for defendants processed through Pre Trial Services, and (2) for the Court Administrator Agency to make payments for psychiatric services and pro se post conviction relief transcripts.

SECTION 2. The sum of Seventy-seven Thousand Dollars (\$77,000) 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:

MARION COUNTY JUSTICE AGENCY

1. Personal Services

COUNTY GENERAL FUND

22,000

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COURT ADMINISTRATOR AGENCY

3. Other Services and Charges	55,000
TOTAL INCREASE	77,000

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

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	22,000
3. Other Services and Charges	55,000
TOTAL REDUCTION	77,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 360, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 360, 1994 on July 7, 1994. The proposal approves the disbursement of \$3,290,000 of Community Development Block Grant Funds. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Smith, for adoption. Proposal No. 360, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Giffin

2 NOT PRESENT: Black, Coughenour

Proposal No. 360, 1994 was retitled SPECIAL RESOLUTION NO. 57, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 1994

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

WHEREAS, on September 27, 1993, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 70, 1993, 1994 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

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

SECTION 4.01. State, local and federal grants.

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

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

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

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted its 1994 Community Development Block Grant Community Development Committee Recommendation utilizing a portion of the Community Development Grant Funds, to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operation of each of the projects submitted by the Department of Metropolitan Development, should be approved; now, therefore:

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

SECTION 1. That portion of the Community Development Committee's Recommendations for distribution of certain Community Development Block Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amount, location and programmatic operation of the project set forth therein, is hereby approved.

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

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

EXHIBIT A
1994 COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS

United Northwest Area Dev. Corp. (UNWA)	\$60,000 (grant)
The CDC proposes to use grant funds as a subsidy to construct three new single family homes and rehabilitate one home. Investment leverages approximately \$180,000 in private funds.	
United Northwest Area Dev. Corp. (UNWA)	\$90,000 (grant)
This project will perform moderate rehabilitation on twenty four owner-occupied low to moderate income homes. Maximum expenditure per address will be \$10,000 at \$5,000 per year.	
Near North Development Corporation (NNDC)	\$700,000 (grant)
Funds will be used to produce 100 houses. The total will be a combination of owner occupied rehab, acquisition and new construction.	
Westside Community Development Corporation (WCDC)	\$250,000 (grant)
These funds will be used for a combination of homeowner repair assistance and acquisition/rehab activities. It is anticipated that the funds will leverage private dollars.	
Southeast Neighborhood Development (SEND)	\$160,000 (grant)
This project will perform incremental rehabilitation on approximately 21 homes utilizing a combination of CDBG, volunteer labor and Central Indiana Council on Aging (CICOA) funds.	
Southeast Neighborhood Development (SEND)	\$115,000 (grant)
The CDC will acquire and rehabilitate 7 units in a targeted area of concentration.	
Reclamation II	\$175,000 (loan)
This project will renovate 32 units for rental, and eventually ownership, to very low income families. The project is modeled after the Reclamation I project in which 32 units were successfully remodeled in the same neighborhood. CDBG funds will be used for construction costs. Other funding sources will be HOME funds and tax credits.	
King Park Area Development Corporation	\$150,000 (grant)
These funds will be used to perform repairs on owner occupied units in the Citizens neighborhood.	
Historic Landmarks	\$20,000 (loan)
This project is a joint effort between the Historic Landmarks Foundation of Indiana and King Park Area Development Corporation to create eight units of affordable housing via the renovation of a two-family structure in the Herron-Morton Historic Neighborhood. The units will be utilized to serve housing needs of graduates of the Pathway to Recovery, Inc. drug and alcohol dependency program.	

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Concord	\$150,000 (grant)
This proposal will consist of a combination of repairs to owner-occupant homes, acq. rehabilitation and resale of vacant units, and construction of new units. Concord will partner with Habitat for Humanity to for construction.	
Pilgrim	\$300,000 (loan)
Pilgrim Multi-Service Development in a limited Partnership with UNWADC will rehabilitate IPS School #41 site to create 34 units of affordable housing. Two hundred fifty thousand dollars (\$250,000) in HOME funds will be used toward acquisition of the building and CDBG will be used to finance construction.	
MLK Singles	\$50,000 (loan)
MLKCDC is planning empower its low-income residents via the renovation, lease and eventual sale of 20 scattered site homes. Financing of this project will also include bank loans, tax credits and HOME funds. CDBG funds will be used to help finance construction.	
BOS	\$150,000 (grant)
The CDC will utilize CDBG funds for the incremental rehabilitation of 30 owner-occupied homes in their area.	
ECI	\$75,000 (grant)
This project will provide material and a combination of contractual services and volunteer labor to very low income owner-occupants for the purpose of correcting structural and mechanical systems violations which cause health and safety and/or financial threats to residents. Approximately 62 units will receive moderate repair and weatherization, 17 will receive more significant repair (total of 79). The project will focus on residents with incomes below 50% of median and elderly residents. CICOA funds will be used in tandem with CDBG funds.	
Equity VII	\$600,000 (loan)
The limited partnership proposes a combination of renovation and construction of 75 units on 45 scattered sites. The project is modeled on the successful Equity Fund VI in which 74 units were developed in the same manner. LISC has committed \$450,000 in pre-development funds and \$600,000 in HOME funds will be used.	
Rehab Resource	\$25,000 (grant)
Rehab Resource provides discount construction supplies to CDCs and referred homeowners. This grant will provide administrative funds for that organization.	
Martindale-Brightwood	\$120,000 (grant)
This grant will fund homeowner repair assistance for approximately 20 units in the Martindale-Brightwood area.	
Survive Alive	\$50,000 (grant)
These dollars will be used to teach school children the necessary skills to survive a home fire. This includes practices in simulated conditions, lessons in fire safety, escape and fire prevention.	
Indianapolis Business Development Center	\$50,000 (grant)
These funds will be used to guarantee loans made to minority businesses. It is anticipated that these dollars will leverage \$1,000,000 in private financing.	
Total	\$3,290,000

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 356, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 356, 1994 on July 5, 1994. The proposal, sponsored by Councillor Curry, is an appropriation to cover one part-time employee salary, IMAGIS update, and office rearrangement expenses for the Lawrence Township Assessor from the Property Reassessment Fund in the amount of \$22,000 financed by unappropriated property tax revenues of the Property Reassessment Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 11:13 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Curry, for adoption. Proposal No. 356, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 356, 1994 was retitled FISCAL ORDINANCE NO. 61, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Twenty-two Thousand Dollars (\$22,000) in the Property Reassessment Fund for purposes of the Lawrence Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment 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 (q) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Lawrence Township Assessor to cover one part-time employee salary, IMAGIS update, and office rearrangement expenses.

SECTION 2. The sum of Twenty-two Thousand Dollars (\$22,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>LAWRENCE TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	5,000
3. Other Services and Charges	12,000
4. Capital Outlay	<u>5,000</u>
TOTAL INCREASE	22,000

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

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered	
Property Reassessment Fund	<u>22,000</u>
TOTAL REDUCTION	22,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 299, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 299, 1994 on July 5, 1994. The proposal abolishes the Marion County Board of Tax Adjustment. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Rhodes moved, seconded

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by Councillor Coughenour, to strike. Proposal No. 299, 1994 was stricken by unanimous voice vote.

PROPOSAL NO. 368, 1994. Councillor Curry moved that a revised version of Proposal No. 368, 1994 be substituted for Proposal No. 368, 1994 which was passed by the Committee. Councillor Gilmer seconded the motion. Councillor Curry said that the amended version will correct the paragraphs into the proper order. Councillor Curry's motion passed by unanimous voice vote. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 368, 1994 on June 28, 1994. The proposal, sponsored by Councillor Hinkle, amends Sec. 151-64 of the Revised Code amending the rules of the city-county council with respect to staff review of fiscal ordinances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Hinkle, for adoption. Proposal No. 368, 1994, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Giffin

2 NOT PRESENT: Black, Coughenour

Proposal No. 368, 1994, as amended, was retitled GENERAL ORDINANCE NO. 94, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 94, 1994

A PROPOSAL FOR A GENERAL ORDINANCE amending the Rules of Council to require review and report by the chief financial officer with respect to requests for additional appropriations.

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

SECTION 1. Sec. 151-64 and Sec. 151-76 of the Revised Code of the Consolidated City and County be, and is hereby, amended by inserting the underlined text, to read as follows:

Sec. 151-64. Fiscal ordinances.

(a) 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.

(b) Any proposal for a fiscal ordinance (except the annual budgets) which appropriate the proceeds of any state, federal or private grant shall include substantially the following language:

Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor or controller, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

(c) The digest of any proposal for a fiscal ordinance shall identify the fund appropriated including a statement of the revenue source for the appropriation.

(d) When a request for an additional appropriation from unappropriated funds is submitted to the council by any city-county agency (including a court), the chief financial officer of the city-county council or his/her designee shall review the policies and expenditures of the requesting agency and within thirty (30) days of the date the request is introduced to the council, submit a report to the appropriate council committee containing a recommendation with regard to the additional appropriation.

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. If the proposal is one for which a report of the chief financial officer is required under subsection (b) of Sec. 151-64, the public hearing shall not be scheduled before the first regular meeting more than thirty (30) days after the proposal is introduced.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 365, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE is an appropriation to allocate accumulated fees from the Moving Traffic Deferral Program for the County Auditor, Prosecuting Attorney, County Sheriff and the Presiding Judge of the Municipal Court from the Deferral Program Fee Fund in the amount of \$188,920 financed by revenues from Uniform Traffic Tickets"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 387, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION authorizing Marion County to provide worker's compensation by participation in the Indiana Public Employees' Plan, Inc."; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 388, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code to provide service of citations by first-class mail"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 389, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting certain regulations of business practices"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 390, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE recodifying and amending the Code concerning hotels and places of public lodging"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 391, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code by making certain changes in the regulation of adult entertainment establishments"; and the President referred it to the Administration and Finance Committee.

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PROPOSAL NO. 392, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning the regulation of pawnbrokers and dealers in secondhand merchandise"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 393, 1994. Introduced by Councillor Rhodes and Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay for data entry overtime and an extension of RW Armstrong's contract to cleanup and update the Geographic Information System (GIS) files for the Perry Township Assessor from the Property Reassessment Fund in the amount of \$21,515 financed by unappropriated property tax revenues of the Property Reassessment Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 394, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 395, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Lance L. Bundles to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 396, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code to terminate the Public Housing Division as a division of the Department of Metropolitan Development"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 397, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION determining the need for a housing authority in Indianapolis and Marion County to carry out the public housing function"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 398, 1994. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to transfer funds to the City of Beech Grove to develop park and recreation facilities by the Department of Parks and Recreation from the Park Land Fund in the amount of \$305,000 financed by revenues from previous sales of Department of Parks and Recreation land"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 399, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to purchase a computer for the Department of Public Safety, Weights and Measures Division, from the Consolidated County Fund in the amount of \$3,100 financed by a transfer between characters in the Consolidated County Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 400, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to continue

various programs for the diversion of misdemeanor populations from their penal facilities for the County Auditor, County Sheriff, Community Corrections, and the Marion County Justice Agency from the County Corrections Fund in the amount of \$294,000 financed by revenues from a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 401, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to fund a certified substance abuse program in the Community Corrections Jail Component for Community Corrections from the Home Detention User Fee Fund in the amount of \$11,400 financed by unspent 1993-94 Home Detention User Fees"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 402, 1994. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to purchase necessary chemicals, supplies and reagents to provide urinalysis, drug and latent print services for the remainder of the year for the Forensic Services Agency from the County General Fund in the amount of \$60,000 financed by a transfer between characters in the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 403, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Willows subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 404, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for the Country Brook subdivision (Districts 1, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 405, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Lakeside Woods subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 406, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for the Crooked Creek Villages West subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 407, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for the Garden North subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 408, 1994. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by

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authorizing stop signs for the Feather Cove subdivision (District 5)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 409, 1994. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Admirals Bay subdivision, Sections 6 and 7 (District 5)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 410, 1994. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Parc Estates subdivision (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 411, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Bolandar Woods subdivision (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 412, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Lake Kessler Woods subdivision (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 413, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for the Kessler Pointe subdivision (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 414, 1994. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at the Kealing Avenue and 13th Street (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 415, 1994. Introduced by Councillors Brents, Gilmer and Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting parking restrictions on Market Street between Capitol Avenue and Alabama Street, and adding new parking meters on Market Street between Capitol Avenue and Illinois Street and between Pennsylvania Street and Alabama Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Boyd stated that he has been asked to offer the following motions for adjournment by:

- (1) Councillor West in memory of Paul W. Nicely; and
- (2) Councillor Williams in memory of John Boner.

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 Paul W. Nicely and John Boner. 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 families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:30 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 11th day of July, 1994.

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

Burt Serwaas

President

ATTEST:

Sullen Hart

Clerk of the Council

(SEAL)