

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

**REGULAR MEETINGS  
MONDAY, AUGUST 22, 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 7:08 p.m. on Monday, August 22, 1994, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

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

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

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

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

*Journal of the City-County Council*

on Monday, August 22, 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

August 9, 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, August 11, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 365, 393, 398, 400 and 429, 1994, to be held on Monday, August 22, 1994, at 7:00 p.m., in the City-County Building.

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

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. 95 - recodifying and amending the Code, Division 1, Article IV, Chapter 8, Buildings and Construction

GENERAL ORDINANCE NO. 96 - amending the Code by authorizing a change in speed limits for segments of Raymond Street and Airport Expressway (Districts 17, 19, 21)

GENERAL ORDINANCE NO. 97 - amending the Code by authorizing a change in the speed limit on Post Road from I-74 to Northeastern Avenue (Districts 13, 23)

GENERAL ORDINANCE NO. 98 - amending the Code by authorizing a multi-way stop at Broadway Street and 24th Street and at Carrollton Avenue and 24th Street (District 22)

GENERAL ORDINANCE NO. 99 - amending the Revised Code to provide service of citations by first-class mail

GENERAL ORDINANCE NO. 100 - amending the Code by authorizing stop signs for the Willows subdivision (District 1)

GENERAL ORDINANCE NO. 101 - amending the Code by authorizing intersection controls for the Country Brook subdivision (Districts 1, 9)

GENERAL ORDINANCE NO. 102 - amending the Code by authorizing stop signs for the Lakeside Woods subdivision (District 1)

GENERAL ORDINANCE NO. 103 - amending the Code by authorizing intersection controls for the Crooked Creek Villages West subdivision (District 1)

GENERAL ORDINANCE NO. 104 - amending the Code by authorizing intersection controls for the Garden North subdivision (District 1)

GENERAL ORDINANCE NO. 105 - amending the Code by authorizing stop signs for the Feather Cove subdivision (District 5)

GENERAL ORDINANCE NO. 106 - amending the Code by authorizing stop signs for the Admirals Bay subdivision, Sections 6 and 7 (District 5)

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GENERAL ORDINANCE NO. 107 - amending the Code by authorizing stop signs for the Parc Estates subdivision (District 18)

GENERAL ORDINANCE NO. 108 - amending the Code by authorizing stop signs for the Bolandar Woods subdivision (District 4)

GENERAL ORDINANCE NO. 109 - amending the Code by authorizing stop signs for the Lake Kessler Woods subdivision (District 4)

GENERAL ORDINANCE NO. 110 - amending the Code by authorizing stop signs for the Kessler Pointe subdivision (District 4)

GENERAL ORDINANCE NO. 111 - amending the Code by authorizing a multi-way stop at the Kealing Avenue and 13th Street (District 10)

FISCAL ORDINANCE NO. 64 - 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

FISCAL ORDINANCE NO. 65 - 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

FISCAL ORDINANCE NO. 66 - an appropriation to purchase necessary chemicals, supplies and reagents to provide unanalysis, 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

GENERAL RESOLUTION NO. 1 - authorizing Marion County to provide worker's compensation by participation in the Indiana Public Employees' Plan, Inc.

SPECIAL RESOLUTION NO. 58 - recognizing the Brokenburr Trails summer youth team

SPECIAL RESOLUTION NO. 59 - approving the lease of Department of Parks and Recreation property commonly referred to as the Post Road Community Center

SPECIAL RESOLUTION NO. 60 - authorizing and requesting the Indianapolis-Marion County Building Authority to proceed with a study for securing portions of the City-County Building used by courts

Respectfully,  
s/Stephen Goldsmith, Mayor

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF JOURNALS**

President SerVaas called for additions or corrections to the Journal of August 8, 1994. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 502, 1994. This proposal, sponsored by Councillor Dowden, recognizes the Skiles Test All-Stars baseball team. Councillor Dowden read the resolution and presented copies of the document to Dan Hays, manager; Bill Hall, Darrell Pike and Mike Whisler, coaches; and to Ryan Conner, Darryl Eberhardt, Rodney Gray, Chris Hall, Greg Harris, Jeremy Hayden, Derek Hays, Will Miles, Jimmy Pike, Chris Trump, John von Arx, Wes Whisler and John Wise, members of Skiles Test All-Stars. Team members Jimmy Pike and

Will Miles expressed appreciation for the recognition. Councillor Dowden moved, seconded by Councillor McClamroch, for adoption. Proposal No. 502, 1994 was adopted by unanimous voice vote.

Proposal No. 502, 1994 was retitled SPECIAL RESOLUTION NO. 61, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 1994

A SPECIAL RESOLUTION recognizing the Skiles Test All-Stars baseball team.

WHEREAS, the 1994 Skiles Test Major League All-Stars was one of only two baseball teams from the State of Indiana that qualified to enter the Amateur Athletic Union (AAU) National Championship Baseball Tournament in Burnsville, Minnesota; and

WHEREAS, the Skiles Test All-Stars proved their athletic abilities and team spirit by defeating the competition to qualify for the hard-earned privilege of representing Indiana for the third consecutive year; and

WHEREAS, the Skiles Test All-Stars, a local neighborhood team, competed against teams from throughout the nation that selectively recruited their talent from unlimited geographic boundaries; and

WHEREAS, in spite of such odds, the Skiles Test All-Stars completed tournament play by finishing an unprecedented Fifth Place in the United States; and

WHEREAS, on the occasion of the Skiles Test All-Star's return home, it is fitting to honor these young winners for their commitment to hard work, camaraderie, discipline and dedication to the sport of baseball; 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 Skiles Test All-Star team members, their parents and all others who helped the All-Stars place Fifth in the nation at the 1994 AAU national baseball tournament.

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

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

PROPOSAL NO. 395, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 395, 1994 on August 1, 1994. The proposal, sponsored by Councillor McClamroch, appoints Lance L. Bundles to the Metropolitan Development Commission. This appointment fills the position left vacant by Michael Rodman. Mr. Bundles is an independent, has a good work record, and also a good community record. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor McClamroch, for adoption.

Councillor Boyd said that he and Councillor Williams voted against this proposal in Committee. He said he introduced Proposal No. 432, 1994 which nominates Aaron E. Haith to the Metropolitan Development Commission ("Commission"). There are now two nominations for one position. On August 16, 1994 by a 4-3 vote the Committee voted to table the Haith proposal. The Democrat Caucus is sponsoring Proposal No. 432, 1994 because it feels a certain right to fill that position since it was left vacant by a Democrat. The Democrat Caucus believes the Haith proposal to be very important with many implications. Councillor Boyd introduced Mr. Haith at this time. Mr. Boyd said that Mr. Haith (1) has been active in

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community, civic and political affairs for many years; (2) comes with impeccable credentials; (3) is a Democrat; and (4) would be a valuable addition to the Commission.

Councillor Black asked if the vacancy is required to be filled by a Democrat. The President answered that it is a non-Republican appointment. Councillor McClamroch read the statute which provides that the Council appoints three of the nine citizen members and not more than two members of the members appointed by the Council may be of the same political party.

Councillor Gray said that it seems that whenever there is a Democrat appointment to be made, an independent is nominated. When the Majority Leader first took office he brought with him a feeling of good faith, and told the Democrats that these kind of things were not going to happen under his leadership.

Councillor Williams stated that the Commission lost a flavor that transcends politics when Mike Rodman resigned. He was rooted in hands-on neighborhood work. So when neighborhoods came before the Commission at least they had someone who understood their concerns. Mr. Bundles is from the business community who has no roots in any kind of neighborhood work and therefore deprives the community of that flavor and that balance--that balance which is probably more important than political balance. She also stated that she is very disappointed in the way this vacancy was handled.

Councillor McClamroch stated that (1) there is no question that Aaron Haith is a person of impeccable credentials, and (2) there have been numerous democrats nominated by Councillor West and himself over the years. Councillor McClamroch said that Mr. Bundles is from Center Township, understands the issues in Center Township, and has said that he looks forward to working with the neighborhoods.

Councillor Jimison said she believes that if there is an board appointment to be made, and it is not to be a Republican appointment, then the wishes of the Democrat Caucus should be considered and it should certainly be consulted as to whether or not the Democrats have a choice.

Proposal No. 395, 1994 was adopted on the following roll call vote; viz:

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

*11 NAYS: Black, Boyd, Brents, Golc, Gray, Jimison, Jones, Moriarty Adams, Mullin, Short, Williams*

*1 NOT PRESENT: Hinkle*

Proposal No. 395, 1994 was retitled COUNCIL RESOLUTION NO. 77, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 1994

A COUNCIL RESOLUTION appointing Lance L. Bundles to the Metropolitan 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 Metropolitan Development Commission, the Council appoints:

Lance L. Bundles

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

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 477, 1994 was withdrawn.

PROPOSAL NO. 478, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay for future contracts and consultant fees for competitive bid projects for the Department of Administration, Indianapolis Fleet Services Division, from the Consolidated County Fund in the amount of \$120,000 financed by a transfer within the division's budget"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 479, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to cover short-term IPD and IFD needs and to help cover the unfunded future liabilities of IPD and IFD Pensions and United Airline debt for the Office of the Controller from the Sanitation PILOT Reserve Fund in the amount of \$4,400,000 financed by revenues from that fund"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 480, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to purchase additional office supplies and computer equipment for the Superior Court, Criminal Division, Room Three, from the County General Fund in the amount of \$4,632 financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 481, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay for expenses incurred for a Special Commissioner during the transition period created when Judge James Kirsch left and Judge David Rimstidt was appointed for the Superior Court, Civil Division, Room Five, from the County General Fund in the amount of \$2,200 financed by a transfer within the court's budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 482, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to cover miscellaneous and copier expenses for the Superior Court, Title IV-D Court, from the County General Fund in the amount of \$1,000 financed by a transfer within the court's budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 483, 1994. Introduced by Councillors Coughenour and Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to fund the competitive bid process for the Department of Public Works (DPW), Maintenance Operations Division, from the Sanitation General Fund, Flood Control General Fund, Transportation General Fund and the Maintenance Operations General Fund in the

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amount of \$4,105,087 financed by transfers from the Sanitation General Fund, the Flood Control General Fund, and the Transportation General Fund within the Department of Capital Asset Management, Asset Management Division, and by contract revenues from DPW, Maintenance Operations Division's, Maintenance Operations General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Coughenour read the following motion:

Mr. President:

I move to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 483, 1994, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on September 12, 1994.

Councillor McClamroch seconded the motion, and it passed by a unanimous voice vote.

PROPOSAL NO. 484, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code concerning the divisions within the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 485, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to permit Indianapolis to operate an air program in compliance with Title V of the Clean Air Act"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 486, 1994. Introduced by Councillors Ruhmkorff and O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Cumberland Estates Subdivision, Phases 2 and 3, Sections 1 and 2 (Districts 12, 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 487, 1994. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Park Valley subdivision (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 488, 1994. Introduced by Councillor Gray, Jr. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Morningside subdivision (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 489, 1994. Introduced by Councillor Gray, Jr. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Oakforge Woods subdivision (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 490, 1994. Introduced by Councillor Gray, Jr. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs at Arabian Run and Pinto Way, and at Dapple Trace and Sommerworth Lane (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 491, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at Madison Avenue and Preddy Drive (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 492, 1994. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on 30th Street in the vicinity of Elmira Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 493, 1994. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by reducing the speed limit on 46th Street between Ritter Avenue and Shadeland Avenue (Districts 11, 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 494, 1994. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on Thompson Road from Sandhurst Drive to Warman Avenue (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 495, 1994. Introduced by Councillor Gray, Jr. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a one-way traffic flow northbound on Melbourne Street from 56th Street to 58th Street (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 496, 1994. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a one-way traffic flow eastbound for Legrande Avenue from Perkins Avenue to Hobart Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 497, 1994. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District;" and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 498, 1994. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County;" and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 499, 1994. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County;" and the President referred it to the Municipal Corporations Committee.

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PROPOSAL NO. 500, 1994. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board;" and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 501, 1994. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation;" and the President referred it to the Municipal Corporations Committee.

### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 476, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 476, 1994 on August 10, 1994. The proposal amends S.R. No. 45, 1993, as amended, by extending the expiration date for Brulin & Company, Inc. through March 31, 1995 (2920 Dr. Andrew J. Brown Avenue, District 22). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption. Proposal No. 476, 1994 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Black, Golc*

*1 NOT PRESENT: Hinkle*

Proposal No. 476, 1994 was retitled SPECIAL RESOLUTION NO. 62, 1994 and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 62, 1994

A SPECIAL RESOLUTION amending City-County Special Resolution No. 45, 1993, 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. 45, 1993, 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 Brulin & Company, Inc. (the "Company") which Inducement Resolution set an expiration date of August 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, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of August 31, 1994, contained therein and replacing said date with the date of March 31, 1995.

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

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

PROPOSAL NOS. 503-508, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 18, 1994." The Council did not schedule Proposal Nos. 503-508, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 503-508, 1994 were retitled REZONING ORDINANCE NOS. 103-108, 1994 and are identified as follows:

REZONING ORDINANCE NO. 103, 1994. 94-Z-90B DECATUR TOWNSHIP.  
COUNCILMANIC DISTRICT # 19.  
5151 WEST TROY AVENUE (approximate address), INDIANAPOLIS.  
DANTROS DEVELOPMENT, INC., by Joseph M. Scimia, requests the rezoning of 30.395 acres, being in the D-A District, to the D-511 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 104, 1994. 94-Z-106 LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT # 5.  
9879 EAST FALL CREEK ROAD (approximate address), CITY OF LAWRENCE.  
MARINA LIMITED PARTNERSHIP, by Thomas Michael Quinn, requests the rezoning of 4.5 acres, being in the C-I(FF) and C-3(FF) Districts, to the C-3(FF) classification to provide for a commercial development.

REZONING ORDINANCE NO. 105, 1994. 94-Z-111 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # 10.  
6909 EAST 38TH STREET (approximate address), INDIANAPOLIS.  
RUSSELL J. GIGANTI and PEOPLE'S BANK AND TRUST COMPANY, by Steven C. Robinson, request the rezoning of 1.39 acres, being in the D-3 District, to the C-5 classification to provide for additional parking for an existing bank facility.

REZONING ORDINANCE NO. 106, 1994. 94-Z-112 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # 13.  
6501 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.  
TACO BELL CORPORATION, by Michael J. Kias, requests the rezoning of 1.295 acres, being in the D-5 District, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 107, 1994. 94-Z-116 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 21.  
1119 EAST GEORGIA STREET (approximate address), INDIANAPOLIS.  
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests the rezoning of 2.58 acres, being in the SU-9 District, to the I-3-U classification to provide for an armored truck service operation.

REZONING ORDINANCE NO. 108, 1994. 94-Z-117 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 18.  
2819 TANSEL ROAD (approximate address), INDIANAPOLIS.  
GREENLEAF DEVELOPMENT, INC. requests the rezoning of 1.2011 acres, being in the D-A District, to the D-4 classification to provide for single-family development to be added to Sunningdale Commons, Section Four subdivision.

PROPOSAL NOS. 509-514, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development

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Commission on August 18, 1994." The Council did not schedule Proposal Nos. 509-514, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 509-514, 1994 were retitled REZONING ORDINANCE NOS. 109-114, 1994 and are identified as follows:

REZONING ORDINANCE NO. 109, 1994. 94-Z-46 DECATUR TOWNSHIP.  
COUNCILMANIC DISTRICT # 19.  
7009 WEST THOMPSON ROAD (approximate address), INDIANAPOLIS.  
LARRY G. and SANDRA BROWNING, by Michael J. Kias, request the rezoning of 6.0 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development by platting.

REZONING ORDINANCE NO. 110, 1994. 94-Z-99 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 1.  
5755 LAFAYETTE (approximate address), INDIANAPOLIS.  
ROTTLUND HOMES, by Thomas Michael Quinn, requests the rezoning of 12.09 acres, being in the C-1 District, to the D-6II classification to provide for a condominium development.

REZONING ORDINANCE NO. 111, 1994. 94-Z-123 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 6.  
4172 NORTH BROADWAY STREET (approximate address), INDIANAPOLIS.  
INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY, by Walter W. Wolf, Jr., requests the rezoning of 0.133 acre, being in the D-5 District, to the SU-38 classification to provide parking for an existing library and to provide for future expansion of the library facility.

REZONING ORDINANCE NO. 112, 1994. 94-Z-128 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 20.  
3715 SOUTH EAST STREET (approximate address), INDIANAPOLIS.  
CRAIG R. NORMAN, by Thomas Michael Quinn, requests the rezoning of 2.288 acres, being in the D-A District, to the C-3 classification to provide for construction of a fast food restaurant.

REZONING ORDINANCE NO. 113, 1994. 94-Z-129 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 3.  
8602 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.  
FIRST BAPTIST CHURCH OF INDIANAPOLIS requests the rezoning of 28.53 acres, being in the SU-I(FF) and D-2(FF) Districts, to the SU-I(FF) classification to provide for church use.

REZONING ORDINANCE NO. 114, 1994. 94-Z-138 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 16.  
610-650 NORTH SENATE AVENUE (approximate address), INDIANAPOLIS.  
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests the rezoning of 3.84 acres, being in the I-3-U(RC) and C-7(RC) Districts, to the CBD-2(RC) classification to provide for attached and detached residential development.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 464, 1994. The proposal approves Petition No. 94-Z-57 (94-DP-2) to rezone 49.897 acres at 4650 Millersville Road from SU-34 District to the D-P classification to provide for residential development in the floodway fringe (District 11). Proposal No. 464, 1994 was certified by the Metropolitan Development Commission on August 4, 1994. On August 8, 1994 the Council voted to schedule a public hearing for August 22, 1994.

Councillor Boyd said that he is pleased to report that the parties involved in the rezoning at 4650 Millersville Road have reached a compromise and it will not be necessary to have a hearing on this matter. The issues involved matters of density and spacing. There has been an agreement concerning the density, and the petitioner has agreed to limit the number of homes on the property to 38. Thirty-three will be on the front side of the property and five will be on the back of the property. In a separate agreement it was agreed that there will be no "undesirable commercial development" at the corner of 46th and Millersville Road.

Councillor Boyd moved that Proposal No. 464, 1994 (Rezoning Petition No. 94-Z-57, 94-DP-2) be adopted incorporating therein the revised development plan dated August 22, 1994. Councillor McClamroch seconded the motion.

Councillor West asked if the separate agreement will be recorded. Councillor Boyd answered in the affirmative.

Proposal No. 464, 1994 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: SerVaas*

*1 NOT PRESENT: Hinkle*

Councillor Rhodes asked for consent to explain his vote. Consent was given. He said that he is voting for this petition because he feels Charles Davis is an excellent developer. He used to represent this area that is now represented by Councillor Boyd. If he were to vote against this petition tonight it would not be because of Mr. Davis; it would be because of the development staff. He read the following chronology of what happened in this particular case:

- (1) January 23, 1994 - Petition was filed.
- (2) March 1, 1994 - An amendment was filed.
- (3) March 29, 1994 - The neighborhood was notified of a staff meeting to be held on April 15, 1994 to discuss the proposed development--in other words, an initial meeting. Unfortunately, the neighborhood was notified the week of April 4 that a meeting had already taken place between the staff and the developer, and the neighborhood had mistakenly not been invited. A start-over meeting would be held on April 15.
- (4) April 6, 1994 - Another amendment to the plan was filed.
- (5) April 15, 1994 - Start-over meeting was held. The principle planner in charge read a description of the project and announced that it was approved and asked if the neighborhood had any questions. In other words, it was a "done deal" as far as the staff was concerned.

Councillor Rhodes said that the neighborhood contacted the staff regarding the Washington Township Comprehensive Plan, which was adopted December 1993, and received very few responses. As the Council knows, this is not the first time this has happened. The administration had told Councillor Rhodes that this would not happen again, especially in a case where there was going to be some type of neighborhood involvement. This case was turned down by the Commission over a year ago. This property has always been controversial. Mr. Rhodes said that unfortunately a large constituent of voters and taxpayers now have a low opinion of the City administration, its staff and the "so-called" public process. He said that too often a neighborhood is brought in after the decisions are made by the staff. When a neighborhood association cannot get a staff report until after the Commission hearing he believes there is something wrong.

August 22, 1994

Councillor Gilmer congratulated the petitioners and the remonstrators and introduced Charles Davis, petitioner, Jack Muench, remonstrator, and Michael Quinn, attorney for the petitioner.

Proposal No. 464, 1994 was retitled as REZONING ORDINANCE NO. 115, 1994 and is identified as follows:

REZONING ORDINANCE NO. 115, 1994. 94-Z-57 (94-DP-2) WASHINGTON TOWNSHIP.

COUNCILMANIC DISTRICT # 11.

4650 MILLERSVILLE ROAD (approximate address), INDIANAPOLIS.

DAVIS DEVELOPMENT, L.P., by Thomas Michael Quinn, requests the rezoning of 49.897 acres, being in the SU-34 District, to the D-P classification to provide for residential development in the floodway fringe.

PROPOSAL NO. 26, 1994. The proposal, sponsored by Councillor Franklin, appropriates \$8,413 for the Superior Court, Criminal Division, Room Five, to fund an additional clerk's position. Councillor Dowden asked for consent to postpone Proposal No. 26, 1994 until September 12, 1994. Consent was given.

PROPOSAL NOS. 243, 245 and 362, 1994. 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. 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 and 362, 1994 until September 28, 1994. Consent was given.

PROPOSAL NO. 365, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 365, 1994 on July 27, 1994. The proposal 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 \$188,921 financed by revenues from Uniform Traffic Tickets. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:05 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 365, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Coughenour, Jones, Mullin*

1 NOT PRESENT: *Hinkle*

Proposal No. 365, 1994 was retitled FISCAL ORDINANCE NO. 67, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Eighty-eight Thousand Nine Hundred Twenty-one Dollars (\$188,921) in the Deferral Program Fee Fund for purposes of the County Auditor, Prosecuting Attorney, County Sheriff and the Presiding Judge of the Municipal Court and reducing the unappropriated and unencumbered balance in the Deferral Program Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b), (x), (aa) and (dd) 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 Auditor, Prosecuting Attorney, County Sheriff and the Presiding Judge of the Municipal Court to receive their share of the accumulated fees from the Moving Traffic Deferral Program in accordance with the various Interlocal Agreements covering the program.

SECTION 2. The sum of One Hundred Eighty-eight Thousand Nine Hundred Twenty-one Dollars (\$188,921) 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>DEFERRAL PROGRAM FEE FUND</u>
3. Other Services and Charges	75,676
 <u>COUNTY SHERIFF</u>	
3. Other Services and Charges	27,850
 <u>COUNTY AUDITOR</u>	
3. Other Services and Charges	37,852
 <u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	
3. Other Services and Charges	<u>47,543</u>
 TOTAL INCREASE	188,921

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

	<u>DEFERRAL PROGRAM FEE FUND</u>
Unappropriated and Unencumbered	
Deferral Program Fee Fund	<u>188,921</u>
TOTAL REDUCTION	188,921

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

PROPOSAL NO. 393, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 393, 1994 on July 28, 1994. The proposal, sponsored by Councillors Rhodes and Coughenour, 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. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:07 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 393, 1994 was adopted on the following roll call vote; viz:

August 22, 1994

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

0 NAYS:

1 NOT VOTING: *Moriarty Adams*

1 NOT PRESENT: *Hinkle*

Proposal No. 393, 1994 was retitled FISCAL ORDINANCE NO. 68, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Twenty-one Thousand Five Hundred Fifteen Dollars (\$21,515) in the Property Reassessment Fund for purposes of the Perry 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 (b) and (r) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Perry Township Assessor to pay data entry overtime and extend the contract with RW Armstrong for cleanup and update of GIS files.

SECTION 2. The sum of Twenty-one Thousand Five Hundred Fifteen Dollars (\$21,515) 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>PERRY TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	10,000
3. Other Services and Charges	10,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	1,515
TOTAL INCREASE	21,515

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

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered	
Property Reassessment Fund	21,515
TOTAL REDUCTION	21,515

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

PROPOSAL NO. 398, 1994. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 398, 1994 on July 21, 1994. The proposal 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 \$350,000 financed by revenues from previous sales of Department of Parks and Recreation land. By a 7-0 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 8:15 p.m. There being no one present to testify, Councillor Giffin moved, seconded by Councillor O'Dell, for adoption. Proposal No. 398, 1994, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 398, 1994, as amended, was retitled FISCAL ORDINANCE NO. 69, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Three Hundred Fifty Thousand Dollars (\$350,000) in the Park Land Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park Land 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.(n) 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 Parks and Recreation to fund the acquisition of land by Beech Grove for the development of park and recreation facilities.

SECTION 2. The sum of Three Hundred Fifty Thousand Dollars (\$350,000) 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK LAND FUND</u>
3. Other Services and Charges	<u>350,000</u>
TOTAL INCREASE	350,000

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

	<u>PARK LAND FUND</u>
Unappropriated and Unencumbered	
Park Land Fund	<u>350,000</u>
TOTAL REDUCTION	350,000

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

PROPOSAL NO. 400, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 400, 1994 on July 13, 1994. The proposal 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. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

August 22, 1994

The President called for public testimony at 8:17 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 400, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Moriarty Adams, West, Williams*

1 NOT PRESENT: *Hinkle*

Proposal No. 400, 1994 was retitled FISCAL ORDINANCE NO. 70, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Two Hundred Ninety-four Thousand Dollars (\$294,000) in the County Corrections Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02. (b), (aa), (bb), and (ee) 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 Auditor, County Sheriff, Community Corrections and Marion County Justice Agency to continue providing various programs for the diversion of misdemeanor populations from their penal facilities.

SECTION 2. The sum of Two Hundred Ninety-four Thousand Dollars (\$294,000) 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>COUNTY AUDITOR</u>	<u>COUNTY CORRECTIONS FUND</u>
1. Personal Services (fringes)	4,000
<u>COUNTY SHERIFF</u>	
3. Other Services and Charges	179,319
<u>COMMUNITY CORRECTIONS</u>	
.3. Other Services and Charges	94,681
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	<u>16,000</u>
TOTAL INCREASE	294,000

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

	<u>COUNTY CORRECTIONS FUND</u>
Unappropriated and Unencumbered	
County Corrections Fund	<u>294,000</u>
TOTAL REDUCTION	294,000

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.

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

PROPOSAL NO. 429, 1994. Councillor O'Dell reported that the Community Affairs Committee heard Proposal No. 429, 1994 on August 10, 1994. The proposal is an appropriation to pay the expenses of wards in institutions for the Marion County Office of Family and Children from the Welfare General Fund in the amount of \$4,278,082 financed by revenues from federal reimbursements under Title IV-A and IV-E received in excess of the original amount budgeted. Councillor O'Dell stated that Michael Mielke, a consultant in the Mayor's Office, has been instrumental in these federal grants being awarded to the County. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:21 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 429, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 429, 1994 was retitled FISCAL ORDINANCE NO. 71, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 1994

A FISCAL ORDINANCE amending the Marion County Office of Family and Children Annual Budget for 1994 (City-County Fiscal Ordinance No. 71, 1993) appropriating an additional Four Million Two Hundred Seventh-eight Thousand Eighty-two Dollars (\$4,278,082) in the Welfare General Fund for purposes of the Marion County Office of Family & Children and reducing the unappropriated and unencumbered balance in the Welfare 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 of the Marion County Office of Family and Children Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Office of Family and Children to pay the expenses of wards in institutions.

SECTION 2. The sum of Four Million Two Hundred Seventh-eight Thousand Eighty-two Dollars (\$4,278,082) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY OFFICE OF FAMILY AND CHILDREN</u>	<u>WELFARE GENERAL FUND</u>
3. Other Services and Charges	<u>4,278,082</u>
TOTAL INCREASE	4,278,082

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

	<u>WELFARE GENERAL FUND</u>
Unappropriated and Unencumbered	
Welfare General Fund	<u>4,278,082</u>
TOTAL REDUCTION	4,278,082

August 22, 1994

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. 369, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 369, 1994 on August 9, 1994. The proposal elects to fund the operation of MECA in part with revenue of two million dollars from the County Option Income Tax. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Short, for adoption. Proposal No. 369, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 369, 1994 was retitled SPECIAL ORDINANCE NO. 10, 1994 and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1994

A SPECIAL ORDINANCE election to fund MECA in 1995 with County Option Income Tax Revenues.

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

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

WHEREAS, to make such an election for 1995, the City-County Council, prior to September 1, 1994, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

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

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 1995 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

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

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

PROPOSAL NO. 427, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 427, 1994 on August 15, 1994. The proposal establishes the "Information Services Internal Services Fund." By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption.

Councillor Williams asked if this fund was established because the Information Services Agency (ISA) might be privatized. Councillor Rhodes responded that this fund was established to correct ISA's chargeback problems. Michael Hine, Acting Director, ISA, stated that ISA has been working on the chargeback system for two years.

Proposal No. 427, 1994 was adopted on the following roll call vote; viz:

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

1 NAY: *Gray*

1 NOT VOTING: *Williams*

1 NOT PRESENT: *Hinkle*

Proposal No. 427, 1994 was retitled GENERAL ORDINANCE NO. 112, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 112, 1994

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Article II of Chapter 135.

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

SECTION 1. Article II, Chapter 135 of the Revised Code of Indianapolis and Marion County is hereby amended by inserting the words underlined as follows:

ARTICLE II. NONREVERTING COUNTY FUNDS

Sec. 135-61. Information Services Internal Service Fund.

(a) There is hereby created a special, nonreverting fund for the county information services agency, to be designated as the "information services internal service fund." The auditor shall deposit in such fund all moneys received by or credited to the information services agency in the performance of its functions and duties, as provided in sections 281-201 through 281-234 of this Revised Code, and other revenues duly allocated during each year, as approved by the city-county council, and as provided by law.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the county general fund or be diverted directly or indirectly in any manner other than that set forth in subsection (c).

(c) Moneys in the information services internal service fund may be used for expenses incurred in carrying out the functions and duties of the information services board and information services agency as provided in sections 281-201 through 281-234 of this Revised Code.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council.

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

PROPOSAL NO. 433, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 433, 1994 on August 16, 1994. The proposal, sponsored by Councillor Gilmer, approves an application for designation of the former Target Distribution Center as an Industrial Recovery Site. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Gilmer, for adoption. Proposal No. 433, 1994 was adopted on the following roll call vote; viz:

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

August 22, 1994

0 NAY:

1 NOT PRESENT: Hinkle

Proposal No. 433, 1994 was retitled SPECIAL ORDINANCE NO. 11, 1994 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 1994

A SPECIAL ORDINANCE approving an application for designation of the former Target Distribution Center as an Industrial Recovery Site.

WHEREAS, the City of Indianapolis suffered an economic loss several years ago with the closing of the former Target Distribution Center located at 8250 Zionsville Road, Indianapolis, Indiana; and

WHEREAS, the City of Indianapolis desires to create new jobs and tax base in an antiquated, large and vacant facility located at 8250 Zionsville Road, Indianapolis, Indiana; and

WHEREAS, IC 6-3.1-11 and IC 6-3.1-20.7 provide mechanisms to encourage developers to seek alternative uses for such vacant facilities and provide for certain limited incentives to developers who seek to utilize such facilities; and

WHEREAS, IC 6-3.1-20.7 provides that one of the incentives which may be provided is a property tax credit for increased inventory located on industrial recovery sites; and

WHEREAS, IC 6-3.1-11 provides that another incentive which may be provided is an industrial recovery tax credit, which would apply against the owner's state tax liability; and

WHEREAS, IC 6-3.1-11 provides that in order to qualify for such credits the vacant industrial facility must be designated as an "industrial recovery site" by the Indiana Enterprise Zone Board; and

WHEREAS, the Enterprise Zone Board may only designate a facility as an industrial recovery site if it has received an application from the executive of the municipality in which the facility is located; and

WHEREAS, the executive of the municipality may make such an application only after receiving the approval of the legislative body of the community in which the facility is located; and

WHEREAS, Duke Realty Limited Partnership intends to redevelop the former Target Distribution Center facility to productive use; and

WHEREAS, the Mayor and the City-County Council believe that it is in the best interests of Indianapolis and Marion County to encourage the productive use of the now vacant Target Distribution Center site; and

WHEREAS, the incentives provided by IC 6-3.1-11 and IC 6-3.1-20.7 will increase the feasibility of the redevelopment of the former Target Distribution Center site; now therefore

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

SECTION 1. The City-County Council hereby authorizes and gives its approval of efforts by Mayor Stephen Goldsmith to make application to the Indiana Enterprise Zone Board for designation of the former Target Distribution Center located at 8250 Zionsville Road, Indianapolis, Indiana, as an industrial recovery site.

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

PROPOSAL NO. 435, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 435, 1994 on August 17, 1994. The proposal is an appropriation to purchase a computer and printer and to attend an out-of-state judicial seminar for the Superior Court, Criminal Division, Room Four, from the County General Fund in the amount of \$2,824 financed by a transfer between characters in that fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that

it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 435, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Black*

1 NOT PRESENT: *Hinkle*

Proposal No. 435, 1994 was retitled FISCAL ORDINANCE NO. 72, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Thousand Eight Hundred Twenty-four Dollars (\$2,824) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Four and reducing certain other appropriations for that Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02.(ii) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Criminal Division, Room Four to purchase a computer and printer and to attend an out of state judicial seminar.

SECTION 2. The sum of Two Thousand Eight Hundred Twenty-four Dollars (\$2,824) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM FOUR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	1,038
4. Capital Outlay	1,786
TOTAL INCREASE	2,824

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM FOUR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	2,824
TOTAL REDUCTION	2,824

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

PROPOSAL NO. 442, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 442, 1994 on August 17, 1994. The proposal is an appropriation to cover contract photocopying services for the Superior Court, Criminal Division, Probation Department, from the Supplemental Adult Probation Fees Fund in the amount of \$2,500 financed by a transfer between characters in that fund. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 442, 1994 was adopted on the following roll call vote; viz:

August 22, 1994

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

0 NAYS:

1 NOT PRESENT: *Hinkle*

Proposal No. 442, 1994 was retitled FISCAL ORDINANCE NO. 73, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Thousand Five Hundred Dollars (\$2,500) in the Supplemental Adult Probation Fees Fund for purposes of the Superior Court, Criminal Division, Probation Department and reducing certain other appropriations for that Department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02.(mm) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Criminal Division, Probation Department to cover contract photocopying services.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, PROBATION DEPARTMENT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
3. Other Services and Charges	<u>2,500</u>
TOTAL INCREASE	2,500

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, PROBATION DEPARTMENT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
2. Supplies	<u>2,500</u>
TOTAL REDUCTION	2,500

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

PROPOSAL NO. 443, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 443, 1994 on August 17, 1994. The proposal amends the Code by eliminating the age cap for the County Sheriff's Reserves. By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 443, 1994 was adopted on the following roll call vote; viz:

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

2 NAYS: *Gray, Mullin*

3 NOT VOTING: *Black, Golc, Williams*

1 NOT PRESENT: *Hinkle*

Proposal No. 443, 1994 was retitled GENERAL ORDINANCE NO. 113, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 113, 1994

A GENERAL ORDINANCE for an amendment to Sec 23½-3 of the Code of Indianapolis and Marion County deleting the upper age limit for Marion County Sheriff's Department reserves.

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

SECTION 1. Sec. 23½ of the Code of Indianapolis and Marion County is hereby amended by deleting the words stricken-through and adding the words underlined as follows:

Sec. 23½-3. Eligibility requirements; application for membership.

Any citizen of the United States, who is a resident of Marion County, Indiana, and who is ~~between the ages of at least~~ at least twenty-one (21) ~~and fifty (50)~~ and fifty years of age shall be eligible to make application to become a member of the reserves. Members of the existing reserve division are required, upon date of appointment, to live within Marion County. Applicants shall make application in the form and manner and undergo such physical and academic examinations and interviews as the sheriff shall require.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 475, 1994. Councillor Schneider reported that the Municipal Corporations Committee heard Proposal No. 475, 1994 on August 11, 1994. The proposal, sponsored by Councillor Borst, concerns the renaming of the Hoosier Dome. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Schneider explained that RCA will pay the City \$10 million to rename the Hoosier Dome the RCA Dome. This money will be used to help fund the new baseball stadium for the Indianapolis Indians and renovations to Market Square Arena and the RCA Dome. Councillor Schneider moved, seconded by Councillor Short, to strike.

Councillor Borst said that he had five comments to make: (1) the hearing held on August 11, 1994 addressed all the issues, (2) there was no public testimony in this whole process, (3) Thompson Consumer Electronics should be commended for becoming the corporate sponsor, (4) he still does not agree with the deal that was made, and (5) the payments from RCA do not begin until January 1995.

Councillor West said he still has not seen a copy of the agreement between the City and RCA. Councillor Schneider said as the documents become available, he will make sure all the members of the Council receive copies.

August 22, 1994

Councillor McClamroch thanked Thompson Consumer Electronics for committing to be the corporate sponsor. He said that the winners in this process are the Marion County taxpayers.

Proposal No. 475, 1994 was stricken by majority voice vote.

#### ANNOUNCEMENTS AND ADJOURNMENT

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Charles E. Martin, Jr. 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 8:59 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 22nd day of August, 1994.

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

  
President

ATTEST:

  
Clerk of the Council

(SEAL)