

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

**REGULAR MEETINGS
MONDAY, APRIL 24, 1995**

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 7:05 p.m. on Monday, April 24, 1995, with Councillor SerVaas presiding.

Councillor Rhodes 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, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

1 ABSENT: Giffin

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor McClamroch introduced Alice Ross, a leading community activist. He also introduced the members from Boy Scout Troop No. 180 of Trinity Episcopal Church: Tom Hammond, John Hammond, Jake Corbin, Christopher Catter Strickland, Robert Charles Strickland, III, Alex A. Little, and Carlos Bustanante; and the leaders W. Patterson Garten, Rob Strickland, and Tom Hammond.

Councillor Gray acknowledged the presence of Steve Webber and Susan Tennant, president and vice president of Crooked Creek Civic League Board of Directors. Councillor Golc recognized the Mayor of Beech Grove, Warner Wiley. Councillor Gilmer introduced Harold Anderson, President of Marion County Alliance of Neighborhood Associations (MCANA).

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 SOLIDWASTE 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, April 24, 1995, 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

April 11, 1994

TO THE HONORABLE PRESIDENT AND 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:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, April 13, 1995, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 187, 189, 192, 193, 194 and 198, 1995, and a NOTICE OF PUBLIC HEARING on Proposal No. 254, 1995, to be held on Monday, April 24, 1995, at 7:00 p.m., in the City-County Building.

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

April 7, 1995

TO THE HONORABLE PRESIDENT AND 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:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances:

SPECIAL RESOLUTION 24, 1995 - recognizes the state high school basketball champion Ben Davis High School Giants

SPECIAL RESOLUTION 25, 1995 - recognizes Mary Brown Bullock

SPECIAL RESOLUTION 26, 1995 - commends the St. Joseph Neighborhood and the Riley Area Revitalization Program's work to retain a city police substation

SPECIAL RESOLUTION 27, 1995 - recognizes the Indiana University School of Law-Indianapolis Centennial

FISCAL ORDINANCE 25, 1995 - an appropriation of \$168,000 for the Department of Metropolitan Development, Planning Division, to increase its current contracts with Indianapolis Project, Inc. and Greater Indianapolis Progress Committee and to provide funding for the Small Business Incubator Program financed from the Metropolitan Development General Fund and by additional tax abatement filing fees

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FISCAL ORDINANCE 26, 1995 - an appropriation of \$1,000,000 for the Department of Capital Asset Management, Asset Management Division, to supplement investment in Combined Sewer Overflow projects throughout the City financed from balances in the Sanitary District General Improvement Fund

FISCAL ORDINANCE 29, 1995 - an appropriation of \$42,924 for the Marion County Justice Agency to cover the cost of continuing participation in the Drug Use Forecasting Program financed by grant revenues of the State and Federal Grants Fund

GENERAL ORDINANCE 45, 1995 - amending Sec. 13-1 of the Code by making technical amendments regarding solid waste collection

GENERAL ORDINANCE 46, 1995 - authorizes stop signs for the Parc Estates North subdivision (District 18)

GENERAL ORDINANCE 47, 1995 - authorizes stop signs for Sunningdale Commons subdivision, Sections 1 and 2 (District 18)

GENERAL ORDINANCE 48, 1995 - authorizes stop signs for Hunters Green subdivision, Section 1 (District 1)

GENERAL ORDINANCE 49, 1995 - authorizes a multi-way stop at Boyd Avenue and North Avenue (District 20)

GENERAL ORDINANCE 50, 1995 - authorizes a multi-way stop at Camelback Drive and Buckskin Drive (District 4)

GENERAL ORDINANCE 51, 1995 - authorizes a multi-way stop at Butler Avenue and 13th Street (District 18)

GENERAL ORDINANCE 52, 1995 - authorizes a multi-way stop at Grace Terrace and La Habra Lane (District 5)

GENERAL ORDINANCE 53, 1995 - authorizes parking restrictions on the west side of Capitol Avenue from 38th Street to 21st Street (Districts 6, 9, 22)

GENERAL ORDINANCE 54, 1995 - authorizes parking restrictions on a segment of Delaware Street at Michigan Street (District 16)

GENERAL ORDINANCE 55, 1995 - authorizes parking restrictions on Michigan Street from Holmes Avenue to Miley Avenue, and on Michigan Street from Miley Avenue to White River Parkway West Drive (District 16)

GENERAL ORDINANCE 56, 1995 - amending the Code by authorizing a traffic signal at Madison Avenue and Preddy Drive (District 24)

SPECIAL ORDINANCE 6, 1995 - authorizes the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$13,000,000 for the Jewish Federation of Greater Indianapolis, Inc. (6701 Hoover Road, District 2)

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE 3, 1995 - an appropriation from the Police Service District Fund in the amount of \$679,842 for the Department of Public Safety, Police Division, to hire eighteen police officers financed by a U.S. Department of Justice grant

SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE 1, 1995 - an appropriation from the Solid Waste Collection Service District Fund in the amount of \$1,630,000 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to clean up demolished buildings under the Unsafe Building Program financed by the unappropriated and unencumbered balance in that fund

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

The President called for additions or corrections to the Journal of April 10, 1995. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 288, 1995. This proposal, sponsored by Councillor Hinkle, recognizes Indiana's "Mr. Basketball," Damon Frierson. Councillor Hinkle asked Councillor Brents, Damon Frierson, and his parents to join him at the podium. Councillor Hinkle read the resolution and presented a copy of the document to Damon Frierson, who expressed appreciation for the recognition. Councillor Hinkle moved, seconded by Councillor Brents, for adoption. Proposal No. 288, 1995 was adopted by unanimous voice vote.

Proposal No. 288, 1995 was retitled SPECIAL RESOLUTION NO. 28, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1995

A SPECIAL RESOLUTION recognizing Indiana's "Mr. Basketball", Damon Frierson.

WHEREAS, out of 4,000 Indiana high school basketball team members each year, only one is voted "Mr. Basketball" by the state's varsity coaches and sports reporters; and

WHEREAS, since the annual "Mr. Basketball" was first awarded in 1939, some great names in the sport have earned the title; names such as Oscar Robertson, Steve Alford, Damon Bailey and Glenn Robinson; and

WHEREAS, the 1995 top Indiana high school senior player is Ben Davis' Damon Frierson, the first "Mr. Basketball" from Indianapolis-Marion County since George McGinnis of IPS Washington High School in 1969; and

WHEREAS, Frierson received 187 votes, and the runner-up for the award received 24 votes; and

WHEREAS, Ben Davis Coach Steve Witte wants his team players to be good people, good students and thirdly good basketball players, and he says that Damon Frierson has been all three of those during his three years at Ben Davis; and

WHEREAS, this June, Frierson will wear jersey No. 1 in the Indiana-Kentucky All-Star Games, and in August will attend Miami University at Oxford, Ohio, as that school's first-ever Mr. Basketball player; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends Damon Frierson -- Indianapolis' first state "Mr. Basketball" since before UNIGOV.

SECTION 2. The Council wishes Damon the best of success in the future.

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. 289, 1995. This proposal, sponsored by Councillor O'Dell, recognizes the 25th Anniversary of Public Broadcasting in Indianapolis. Joining Councillor O'Dell at the podium was Councillor Williams. Councillor O'Dell read the resolution and presented a copy of the document to Lloyd Wright, President and General Manager of WFYI; and the following members of the Metropolitan Public Broadcasting of Indianapolis Board of Directors: Brian Welch, Alice Ross and Andrea Marshall. Messrs. Wright and Welch expressed appreciation

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for the recognition. Councillor O'Dell moved, seconded by Councillor Williams, for adoption. Proposal No. 289, 1995 was adopted by unanimous voice vote.

Proposal No. 289, 1995 was retitled SPECIAL RESOLUTION NO. 29, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 1995

A SPECIAL RESOLUTION recognizing the 25th Anniversary of Public Broadcasting in Indianapolis.

WHEREAS, on October 4, 1970, with an annual budget of \$221,000, nine employees and three black and white cameras, Channel 20 signed on the air from a building at the Indianapolis Museum of Art; and

WHEREAS, prior to that day, Indianapolis was America's largest city without a public television station, but the late Ardath Burkhart and her army of volunteer women raised the funds to put public TV on the air; and

WHEREAS, today, public broadcasting also includes FM 90 radio which features classical music including Indianapolis Symphony Orchestra concerts; and TV 20 and FM 90 are active with other local organizations in important community issues such as literacy, drug abuse, AIDS, child care, health care and the environment; and

WHEREAS, through its GED ON TV series Channel 20 helps a thousand people a year prepare to pass their high school equivalency tests; and

WHEREAS, WFYI acts as the flagship for a network of Indiana public TV stations to produce the informative INDIANA WEEK IN REVIEW, ACROSS INDIANA, and INDIANA LAWMAKERS weekly shows, and it offers wholesome national public TV programs such as SESAME STREET; 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 all those persons--including its 35,000 contributing members--who for the past quarter century have been a part of WFYI 20/FM 90 public broadcasting in Indianapolis.

SECTION 2. Channel 20 and FM 90 are a very important part of the cultural, informational and family entertainment life of Indianapolis, and we wish them well in the years ahead.

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. 291, 1995. This proposal, sponsored by Councillor Williams, recognizes the Indiana Pacers and the Landmark to Peace. Councillor Williams read the resolution and presented a copy of the document to Donnie Welch and Kathy Jordan, representatives from the Pacers, who expressed appreciation for the recognition. Also present was Leon Younger, Director, Indianapolis Department of Parks and Recreation. Councillor Williams moved, seconded by Councillor Short, for adoption. Proposal No. 291, 1995 was adopted by unanimous voice vote.

Proposal No. 291, 1995 was retitled SPECIAL RESOLUTION NO. 31, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 1995

A SPECIAL RESOLUTION recognizing the Indiana Pacers and the Landmark to Peace.

WHEREAS, on April 4th, 1968, during a campaign appearance in Indianapolis, Senator Robert Kennedy had to make the sad announcement to an audience gathered at 17th and Park that Martin Luther King, Jr. had just been assassinated; his moving message of peace was heard above the anger and tears of that fateful night; and

WHEREAS, a community group led by the Indiana Pacers and their owners, Herb and Diane Simon had a vision of a fitting tribute, a monument commemorating the message of peace at that site; and

WHEREAS, last May, President Bill Clinton and members of the Kennedy and King families met at 17th and Park, the current site of Dr. Martin Luther King, Jr. Memorial Park and broke ground for "A Landmark to Peace" dedicated to the unfulfilled dreams of Kennedy and King; and

WHEREAS, the Indiana Pacers sponsored a national design competition won by a local artist, Greg Perry with a design entitled "Still They Reach" depicting Kennedy and King reaching out--but not quite touching each other--signifying the work that still remains to be done for the true joining of blacks and whites; Dan Edwards a local sculptor will be executing the design; and

WHEREAS, guns collected through the Prosecutor Jeff Modisett's gun amnesty program have been melted down and will be used as part of the walkway between Kennedy and King at the Peace Monument;

WHEREAS, the Landmark to Peace will be unveiled on June 6th, 1995, in King Park; 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 leadership of the Pacer organization for bringing focus to nonviolence through a meaningful piece of public art.

SECTION 2. May this monument serve for ourselves and for future generations as a worthy testament to Kennedy and King's goals of peace and harmony.

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. 292, 1995. This proposal, sponsored by Councillor Dowden, recognizes the National Day of Prayer. Councillor Dowden read the resolution and moved, seconded by Councillor West, for adoption. Proposal No. 292, 1995 was adopted by unanimous voice vote.

Proposal No. 292, 1995 was retitled SPECIAL RESOLUTION NO. 32, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 1995

A SPECIAL RESOLUTION recognizing the National Day of Prayer.

WHEREAS, the National Day of Prayer is a tradition first proclaimed by the Continental Congress in 1775; and

WHEREAS, prayer is part of our Nation's heritage, and our diversity is strengthened by the unifying force of prayer; and

WHEREAS, in 1952, the United States Congress unanimously passed a joint resolution establishing the National Day of Prayer; and

WHEREAS, this law was amended in 1988, permanently designating the first Thursday in May as the National Day of Prayer; and

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WHEREAS, the National Day of Prayer is an opportunity for Americans to join in united prayer to give thanks to God for blessings received, to request healing for wounds endured, to ask for divine guidance for our leaders and to bring wholeness to the United States and our citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing this day in Indianapolis, when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening faith and moral values in our families and our city; 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 designates May 4, 1995, as "A Day of Prayer in Indianapolis" and urges the citizens of Indianapolis to observe the day by gathering together in prayer and meditation at places of worship, and in groups and as individuals.

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. 293, 1995. This proposal, sponsored by Councillors Smith and Coughenour, supports the AMTRAK Beech Grove facility. Councillor Smith read the resolution and presented a copy of the document to the Mayor of Beech Grove, Warner Wiley, who expressed appreciation for the recognition. Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 293, 1995 was adopted by unanimous voice vote.

Proposal No. 293, 1995 was retitled SPECIAL RESOLUTION NO. 33, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 1995

A SPECIAL RESOLUTION supporting the AMTRAK Beech Grove Facility.

WHEREAS, for 90 years, beginning during a time when trains puffed their way across the American countryside carrying our nation's freight and passengers, the skilled workers at the Beech Grove yards have kept the trains repaired and rolling; and

WHEREAS, for decades the trains have moved our nation's soldiers, grain, minerals, freight, mail, vacationers and commuters between train stations like Indianapolis' Union Station; and

WHEREAS, the Beech Grove yards now have second and third generations of workers whose fathers have helped pass their crafts down to their sons and grandsons; and

WHEREAS, the Beech Grove Facility is one of only three AMTRAK maintenance yards, and over the years it has accumulated a work force with irreplaceable skills in upholstery, stainless steel, glass, plastics and specialized design work;

WHEREAS, the AMTRAK Beech Grove Facility has a tremendous impact upon the economy of Marion County and Central Indiana, but it's employment there has been reduced, and even further cuts are being discussed; 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 importance of rail service in America and the important contributions of the AMTRAK Beech Grove Facility to this community and to the nation.

SECTION 2. The Council encourages the Indiana delegation in the U.S. Senate and House of Representatives to be extra sensitive to the specialized talents and tremendous economic importance represented at the Beech Grove Facility, and seek out new ways to sustain and grow that unique facility.

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. 218, 1995. The proposal reappoints Diana Wilson Hall to the Board of Parks and Recreation. PROPOSAL NO. 219, 1995. The proposal reappoints Charles E. Kendall to the Board of Parks and Recreation. Councillor McClamroch moved, seconded by Councillor O'Dell, for adoption. Proposal Nos. 218 and 219, 1995 were adopted by unanimous voice vote.

Proposal No. 218, 1995 was retitled COUNCIL RESOLUTION NO. 46, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 1995

A COUNCIL RESOLUTION reappointing Diana Wilson Hall to the Board of Parks & Recreation.

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

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

Diana Wilson Hall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 219, 1995 was retitled COUNCIL RESOLUTION NO. 47, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 1995

A COUNCIL RESOLUTION reappointing Charles E. Kendall to the Board of Parks & Recreation.

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

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

Charles E. Kendall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Councillor Gray asked for consent to hear Proposal No. 243, 1995 at this time. The President stated that Proposal No. 243, 1995 Would be heard after the public hearing on Proposal No. 254, 1995.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 265, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance prohibiting the use of skateboards in the Broad

Ripple business district"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 266, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution authorizing the City by and through its Department of Administration to transfer one 1970 Maximum Pumper to the Indianapolis Fire Buffs and Fire Department Museum, Inc."; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 267, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance an appropriation of \$128,000 for the County Auditor to pay for administration and sale of county-owned land, financed from additional County General Fund revenues generated by such sales"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 268, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution reappointing Ray Battey to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 269, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance an appropriation for \$283,219 for expenses associated with the County Sheriff's assuming responsibility for security in the City-County Building financed by Building Authority's reimbursement of the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 270, 1995. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance an appropriation of \$252,750 for acquisition of laboratory instrumentation and to provide an educational stipend for laboratory employees for the Forensic Services Agency financed by tuition payments to the County General Fund from the government of Abu Dhabi covering eight officers being trained by the Forensic Services Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 271, 1995. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance an appropriation of \$240,000 for new laboratory instrumentation and supplies and to provide various travel/training fees to upgrade Forensic Services Agency's capability in drug and drug-related analysis financed by additional grant revenues of the State and Federal Grants Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 272, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution reappointing William B. Powers to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 273, 1995. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance concerning smoking restrictions in local

governmental buildings"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 274, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution reappointing Fred G. Johnston, Jr. to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 275, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution reappointing Judy Seubert to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 276, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes stop signs for the Huntington Pointe subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 277, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes intersection controls for the Huntington Estates subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 278, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes stop signs for the Huntington Ridge subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 279, 1995. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes a multi-way stop at Wilshire Glen Drive and Cardiff Lane in the Wilshire Glen subdivision (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 280, 1995. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes a multi-way stop at Banta Road and Harding Street (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 281, 1995. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes a multi-way stop at Hoyt Avenue and Spruce Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 282, 1995. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes a multi-way stop at Post Road and Troy Avenue (Districts 13, 23)"; and the President referred it to the Capital Asset Management Committee.

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Councillor Gilmer stated that he and Councillor Beadling would like this proposal stricken; therefore, he moved, seconded by Councillor Beadling, to strike. Proposal No. 282, 1995 was stricken by unanimous voice.

PROPOSAL NO. 283, 1995. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes a traffic signal at Hanna Avenue and Kentucky Avenue (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 284, 1995. Introduced by Councillors Ruhmkorff and O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizes a traffic signal at Washington Street and Sadlier Drive (Districts 12, 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 285, 1995. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance prohibits parking on College Avenue 100 feet south of 40th Street to 100 feet north of 40th Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 286, 1995. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance prohibits parking on the south side of 39th Street from Illinois Street to Meridian Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 287, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance changes the speed limit for 82nd Street from Lafayette Road to County Line Road (District 1)"; and the President referred it to the Capital Asset Management Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 264, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 264, 1995 on April 20, 1995. The proposal is an Inducement Resolution for Willowbrook Park, L.P., a to-be-formed Indiana limited partnership, to proceed with the acquisition, renovation and equipping of the existing 385 unit multi-family residential rental project located at 4803 Round Lake Road on approximately 28.44 acres of land; 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 (District 7). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Rhodes, for adoption. Proposal No. 264, 1995 was adopted on the following roll call vote; viz:

17 YEAS: Beadling, Borst, Brents, Coughenour, Curry, Dowden, Golc, Hinkle, Jimison, Jones, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

11 NOT VOTING: Black, Boyd, Franklin, Gilmer, Gray, McClamroch, Moriarty Adams, Mullin, Rhodes, Ruhmkorff, Williams

1 NOT PRESENT: Giffin

Proposal No. 264, 1995 was retitled SPECIAL RESOLUTION NO. 34, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1995

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 the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company;

WHEREAS, Willowbrook Park, L.P., a to-be-formed Indiana limited partnership (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 consist of the acquisition, renovation and equipping of the existing three hundred eighty-five (385) unit multi-family residential facility consisting of twelve (12) buildings located at 4803 Round Lake Road, Indianapolis, Indiana on approximately 28.44 acres of land; 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 retention of opportunities for gainful employment (four (4) jobs) plus the creation of a construction job payroll and the creation of business opportunities to be achieved by the acquisition, renovation 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, the acquisition, renovation 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 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 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 Fifteen Million Dollars (\$15,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, renovation, 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, renovation 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, renovation, 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 October 31, 1995, 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 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,

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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, renovation 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. The City-County Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 228, 1995. This proposal requests the rezoning of 14.40 acres at 2339 Lafayette Road in Wayne Township from C-4, D-4 and D-S Districts to SU-7 classification to provide for a children's group home (District 16). The President stated that the parties are still in negotiation on this matter and asked for consent to postpone this rezoning ordinance until May 22, 1995. Consent was given.

PROPOSAL NO. 254, 1995. This proposal requests the rezoning of 3.67 acres at 4057 East 56th Street in Washington Township from D-3 District to D-5 classification to provide for eight two-family units (District 4). Proposal 254, 1995 was certified by the Metropolitan Development Commission on April 6, 1995. On April 10, 1995 Councillor Dowden moved to schedule Proposal No. 254, 1995 for a public hearing on April 24, 1995. This motion passed by unanimous voice vote.

The President said that Robert Elrod, General Counsel, advised him that a preliminary conference was held with the petitioners and remonstrators on April 19 and there was no resolution of the matter at that time.

Councillor Dowden stated that this rezoning case has been confusing from the beginning. He stressed that there is no ill will between the remonstrators and the owner of the property. The owner is not the petitioner in this case. The neighbors know the property will be developed, but they want it developed so that it is compatible with the neighborhood and in accordance with the Comprehensive Plan. The Metropolitan Development Commission ("Commission") approved this petition by a vote of 4-3. The petition provides for eight two-family units; the petitioner's testimony now calls for nine two-family units. The neighborhood has tried to have meetings with the petitioner. Mr. Dowden said that he believes this rezoning case should never have been approved by the Commission.

John Rybolt, attorney for the petitioner, Salease Corporation, said that each unit will cost \$280,000. The Department of Metropolitan Development ("DMD") staff recommended that the petition be approved with certain commitments which the petitioner has agreed to.

Gordon Harper, attorney for the remonstrators, Almi Acres Association, said that zoning laws and procedures are set up to enable both parties the opportunity to have a fair and equal chance of presenting their case. He introduced the spokesperson for the remonstrators, Beverly Beczkiewicz.

Ms. Beczkiewicz stated that she resides at 5545 North Chester Lane, which is part of the Almi Acres, and abuts the property in question. The petitioner, Al Vincz, has shown complete disregard to the established rules of procedure and to the concerns of the surrounding homeowners. The following rules of procedure have been violated:

1. Failure to notify twenty homes within the 660 ft / 2 deep requirement. (The DMD staff was aware of this failure.)
2. No open occupancy commitments, nor any others, were submitted in this case until February 28, 1995 which is in direct violation of Article III, Section 4.
3. "For Cause" continuance was granted to this petitioner even though the proper filing and notification rules were not followed. This is in violation of Article VI, Section 8f.
4. An automatic continuance was denied the remonstrators even though all filing and notifications met the specified rules of procedure.

Ms. Beczkiewicz said that many attempts were made between December 15, 1994 and March 1, 1995 to meet with the petitioner to discuss mutual goals for this property. These attempts were met with negative response. Almi Acres is a unique, wooded, established area of large, single family homes situated on one-half acre or larger lots. The majority of surrounding areas are zoned D-1 through D-3. The petitioner intends to develop this 3.67 acres into a D-5, multi-family, high density rental property, which is not compatible with the neighborhood. The neighborhood is not opposed to proper development by a reputable builder/developer. She urged the Council to reject this petition.

Mr. Rybolt said that there is D-6, multiple housing in the area. Mr. Vincz' proposed development is also surrounded by a fire station, condominiums, and a church. The petitioner has met with the remonstrators and has made compromises.

Councillor Smith stated that he feels a developer going into an area needs to communicate with the neighbors and asked that this proposal (Petition No. 94-Z-201) be rejected.

Councillor Jimison asked why this development is not compatible with the established area. Ms. Beczkiewicz replied that the neighborhood consists of single-family units with a 1.3 density. The developer wants to use the maximum density which is 4.9 to 5 density per acre.

Councillor McClamroch asked Tamara Tracy, Senior Planner, Neighborhood and Development Services Division, DMD, if the requirements for a rezoning hearing require notice to surrounding property owners. Ms. Tracy replied that notice is required.

Councillor Golc asked if (1) this petition is for eight or nine two-family units, and (2) the proper papers have been filed. Ms. Tracy said that this has been a frustrating case. The developer's conceptual plan indicates nine units; the number on the petition form is eight. According to her calculations, twenty-three property owners were not notified. She brought this failure to notify to the Commission's legal counsel, who indicated at that time such a discrepancy needed to be brought before the Commission, but that she was not the appropriate party to do that.

Councillor McClamroch said that the issue of notice is as important as anything else in any zoning case. He asked how the Commission could not take that into consideration. Ms. Tracy said that staff's role is merely advisory. The remonstrators alleged improper notice at the Commission hearing; however, the Commission was very frustrated in the handling of the case and the lack of communication. Under state statute, the rules of procedure for giving notice is left to the Commission's jurisdiction. The Commission wanted to hear the case and so under its authority it did.

Councillor McClamroch said that the Commission knew that twenty-three property owners were not notified and they still voted to approve this petition. Ms. Tracy said that the Commission approved it by a 4-3 vote.

Councillor Golc asked if this rezoning is consistent with the Comprehensive Plan for that area. Ms. Tracy answered in the affirmative.

Councillor Dowden called for the question.

The President reminded the Councillors that under Council rules the vote is to sustain the Commission's approval to rezone this property which will take 12 yes votes; to reject will take 18 no votes. The Commission's decision was rejected and Proposal No. 254, 1995 failed by the following roll call vote; viz:

0 YEAS:

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

1 NOT PRESENT: Giffin

SPECIAL ORDERS - FINAL ADOPTION

Councillor Beadling asked for consent to hear Proposal No. 190, 1995 after Proposal No. 243, 1995. Consent was given.

The President stated that Proposal No. 243, 1995 removes a 3-way stop sign at 51st Street and Knollton Road. Councillor Gray sponsored a proposal last year that authorized the installation of the 3-way stop sign at that intersection. Mr. Mickey Slosson, who lives near the intersection and drives through it several times a day, is petitioning to remove the 3-way stop. Councillor Gray represents the remonstrators who live along Knollton Road. Mr. Slosson represents other neighbors and motorists who use this secondary thoroughfare and who do not see the need for the sign. Neighbors who are concerned with safety and speed in their neighborhood attempt to control that with stop signs. Then there are the motorists who

use the thoroughfares and want to get to their destination as quickly as possible. There is the need to move the traffic and the need to protect the neighborhood.

The President passed the gavel to the Vice-President. The Vice-President recognized Councillor Gilmer.

PROPOSAL NO. 243, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 243, 1995 on April 19, 1995. The proposal changes the intersection controls at 51st Street and Knollton Road (District 9). By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The Vice-President said that the procedure that will be followed is that Councillor Gray will be given the opportunity to make an opening statement; then there will be ten minutes for the proponents and ten minutes for the remonstrators.

Councillor Gray said that he is the Councillor and the representative for this district. The neighborhood residents want the 3-way stop sign at this intersection. He questioned that someone who does not live in this neighborhood can dictate what intersection controls go into a neighborhood. He hoped the Council would recognize his request and that of the people he represents.

Mickey Slosson said that he has lived in the area between 30 and 35 years and uses Knollton Road as a north-south access. He questioned whether the traffic flow justifies a three-way stop when there is heavier traffic on other roads without signs. He suggested that the stop signs be removed pending a traffic study done by the City. He also suggested that the bushes be trimmed on the northwest corner of Knollton Road and 51st Street.

Susan Tennant, 5116 Knollton Road, testified that there are children who live 50 ft to 100 ft from this intersection. The speed zone along Knollton Road is 35 mph, but no one obeys the speed limit. Nothing has helped to slow traffic except this stop sign.

Steve Weber, president of Crooked Creek Civic Association, said that he presented Councillor Gray with 102 signatures that were collected over the weekend opposing this proposal. He said that no one notified this neighborhood regarding this proposal.

Nahoma Deckelbaum said that she was the original resident to request this 3-way stop. She said that motorists go 40 and 50 mph and there have been numerous accidents on this road.

John A. Murphy, 5100 Knollton Road, stated that he lives on the corner which has been assessed to have a blind spot. He said that he keeps the bushes trimmed as best he can.

Councillor SerVaas read an official note from DCAM which said that the sign was installed as a result of a traffic study. The study revealed that there was a slight distance restriction caused by a vertical crest on the north side of the intersection that arose along Crooked Creek up to 51st Street. That was the only reason given. He moved to table Proposal No. 243, 1995 for at least 90 days and that DCAM do a thorough study of the traffic, safety, and other problems attendant to this issue and, if in their opinion this sign should be there, then the

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petitioner will join Councillor Gray and this proposal will be withdrawn and the sign remain. Councillors Dowden and Schneider seconded this motion.

Councillor Gray said that the study has already been completed and is on file. He voiced his opposition to this motion to table.

Councillor Hinkle asked if the motion would include the engineers addressing the intersection of Olympia and Knollton. Councillor SerVaas answered in the affirmative. Councillor Hinkle said that after spending thirty minutes out there on Saturday, he believes the problem is a sight problem at the intersection of Olympia and Knollton because of the bushes.

Councillor Boyd asked if there is only one person who wants this stop sign removed. He urged the Councillors to abide by the wishes of the Councillor who represents this district.

Councillor Rhodes said that he does not believe that there is any study that would ever meet the standards of a uniform traffic code. He said he has introduced similar stop signs to slow down traffic in his district. While DCAM agrees that stop signs do not meet the traffic code standards, they also agree they work. He said that he believes that the 3-way stop at 51st Street and Knollton Road was designed, more than anything else, to slow down the traffic on a very narrow, secondary arterial road. He urged the Councillors to defeat this proposal.

Councillor Gilmer said that to set the record straight, nobody was present at the Committee hearing from the neighborhood; five people were there, including Mr. Slosson, with a well-documented report supporting this proposal.

Councillor Smith asked George Lynch, Executive Assistant, DCAM, if the 1990 study reflected the number of accidents at this location. Mr. Lynch replied that it did, and as result, it was DCAM's recommendation that the stop signs be installed.

Councillor Short stated that he would like the petitioner to tell him that the safety of one child is not worth the inconvenience of stopping at a stop sign.

Councillor Franklin testified that he supports neighborhoods, but also there should not be a stop sign on every block. If the last traffic study were done in 1990, it is probably time for a new traffic study. He supports Councillor SerVaas' motion to table, and he moved the question. Councillor Smith seconded the motion to move the question, and it passed by a unanimous voice vote.

Councillor Gray said that the reason no one from the neighborhood appeared at the Committee meeting was that he did not inform them of the proposal--he did not believe that it was going to be controversial.

Councillor SerVaas' motion to table was defeated by the following roll call vote; viz:

12 YEAS: Borst, Curry, Dowden, Franklin, Gilmer, Hinkle, Jones, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith

16 NAYS: Beadling, Black, Boyd, Brents, Coughenour, Golc, Gray, Jimison, Jones, Moriarty Adams, Mullin, Rhodes, Ruhmkorff, Short, West, Williams

1 NOT PRESENT: Giffin

Councillor Williams asked Mr. Lynch what DCAM's recommendation is concerning this proposal. Mr. Lynch replied that DCAM's recommendation is that the 3-way stop sign remain.

Councillor Ruhmkorff asked why this discussion did not take place when the stop signs were first authorized.

Councillor Jimison moved the question. This motion was seconded by Councillor Short, and it passed by unanimous voice vote.

Proposal No. 243, 1995 was defeated by the following roll call vote; viz:

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

Councillor SerVaas stated that he will work with Councillor Gray and the neighborhood to address all the issues concerning the safety on Knollton Road.

The Vice President returned the gavel to the President.

PROPOSAL NO. 190, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 190, 1995 on March 28, 1995. On April 10 the Council voted to return it to Committee, and it was heard again on April 18 by the Committee. The proposal, sponsored by Councillor Beadling, adopts a new Wellfield Protection Zoning Ordinance for Marion County, further restricting land uses to protect the ground water/aquifer resources of specifically delineated areas of Marion County. By a 6-0 vote on April 18, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor West moved, seconded by Councillor Beadling, for adoption.

The President suggested that the Metropolitan Development Committee hold additional meetings after budget hearings, to determine the amount of lubricants and other processing chemicals needed by businesses; and to look again at the grandfather group to ascertain what function would precipitate their inclusion in the larger scope of the ordinance.

Proposal No. 190, 1995, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 190, 1995, as amended, was retitled GENERAL ORDINANCE NO. 57, 1995 and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 57, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-6
THE WELLFIELD PROTECTION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to establish the Wellfield Protection Zoning Ordinance, and fixing a time when the same shall take effect.

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

WHEREAS, the safety and potability of the community's ground water supply requires that lands near wellfields used to supply water for public purposes be subject to land use controls designed to prevent site development that is injurious to the public water supply; and,

WHEREAS, the Comprehensive Plan for Marion County, adopted by the Metropolitan Development Commission, recommends establishing wellfield protection programs for all public wellfield areas in Marion County, and it specifically recommends regulating certain potentially hazardous land uses near such wellfield areas; and,

WHEREAS, local water utilities, anticipating the Indiana Department of Environmental Management mandates for Public Water Supply Systems, are presently establishing wellfield protection programs as a first step towards protecting their public wellfields; and,

WHEREAS, no zoning mechanism exists to sufficiently protect public wellfields from the location of potentially hazardous land uses; and,

WHEREAS, dependency on groundwater is increasing (the City of Lawrence and Ft. Harrison are totally dependent on ground water; the Town of Speedway gets much of its water from ground water sources; and, the Indianapolis Water Company estimates that by the year 2000, 18% of its water supply will come from ground water, up from an estimated 9% in 1993); and,

WHEREAS, future development in Marion County is dependent on the availability of ground water; and,

WHEREAS, it is the intent of the Wellfield Zoning Steering Committee to submit a final Wellfield Protection Zoning ordinance by April 30, 1996; now, therefore:

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

SECTION 1. The Wellfield Protection Zoning Ordinance be adopted as a part of the Municipal Code of Indianapolis and Marion County, Indiana, Appendix D, as adopted under Metropolitan Development Commission Docket Number 95-AO-6, pursuant to IC-36-7-4, as follows:

CHAPTER I

Sec. 1.00. Establishment of Districts. The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the Wellfield Protection Zoning Districts Maps, which maps are attached hereto, incorporated herein by reference and made part of this ordinance.

Wellfield Protection Zoning Districts

Zoning District Symbols

One Year Time-of-Travel
Protection Area (secondary)

W-1

EDITORIAL NOTE: The boundaries of the Wellfield Protection Zoning Districts were created through the use of computerized ground water modeling techniques in accordance with the Indiana Department of Environmental Management proposed criteria for Wellhead Protection Areas.

CHAPTER II

Sec. 2.00. General Regulations Applicable to Wellfield Protection Zoning Districts. The following regulations shall apply to all land within the Wellfield Protection Zoning Districts. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

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.
 - a. *Discontinuation of Nonconformity.* The lawful nonconforming use or occupancy of any lot, in a Wellfield Protection Zoning District, existing at the time of the effective date of this Ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the use provisions of this ordinance and the provisions of the Primary and Secondary Districts.
 - b. *Upgrades to Legally Established Nonconforming Uses.*
 - i. Those components of Legally Established Nonconforming Uses that are used for the storage or processing of potential ground water contaminants may be repaired or upgraded to achieve compliance with applicable federal, state, or county regulations. They may also be repaired or upgraded to improve or protect the public health, public safety or the environment.
 - ii. All components of the premises that do not involve the storing or processing of potential ground water contaminants may be upgraded and repaired in accordance with the primary zoning.
 - c. *Expansion of Legally Established Nonconforming Uses.*
 - i. Those components of Legally Established Nonconforming Uses that are used for the storage or processing of potential ground water contaminants may be expanded within the site of the Legally Established Nonconforming Use if:
 1. An Improvement Location Permit is not required in connection with the expansion, and;
 2. No new potential ground water contaminant is introduced.
 - ii. Unless exempted by Sec. 2.00,A,2,c,i, the expansion of those components of Legally Established Nonconforming Uses that are used for the storage or processing of potential ground water contaminants on the site of the Legally Established Nonconforming use is subject to the granting of an Approval by the Administrator of the Neighborhood and Development Services Division. The Approval may be granted if the standards set forth in Sec. 2.02,C,2 are met and if both the Health Officer of the Health and Hospital Corporation of Marion County and the applicable water utility indicate in writing that the expansion is acceptable. In connection with the grant, the Administrator may impose conditions or require commitments to protect the ground water supply. The Health and Hospital Corporation or the applicable water utility may indicate that its finding of acceptability is contingent on meeting specified conditions or commitments; if a contingent finding of acceptability is given, the Administrator may not grant the Approval without imposing the specified condition or requiring the specified commitment.

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To apply for an Approval from the Administrator, a site plan, area map, and a detailed Plan of Operation including a listing of the types and quantities of liquids or water soluble solids to be stored or used on site must be provided to the Neighborhood and Development Services Division, the Health and Hospital Corporation, and the applicable water utility. The Approval may be granted without notice or hearing. If the Approval is not granted, the applicant may request a Special Exception under Sec. 2.02,C.

iii. All components of the premises that do not involve the storing or processing of potential ground water contaminants can be expanded in accordance with the primary zoning.

d. Restoration of Legally Established Nonconforming Uses, Structures, Buildings. 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. If more than two-thirds (2/3) of the gross floor area of the building or structure is affected, Administrative Approval is required as described in Sec. 2.00,A,c,ii.

Sec. 2.01. Permitted Uses.

A. All land uses permitted in the applicable underlying zoning districts shall be those allowed in the primary and secondary overlay districts unless further regulated in Sec. 2.02.

Sec. 2.02. Special Exception Uses.

Statement of Purpose. Because of the risk that certain land uses pose to ground water, it is recognized that the further regulation of such uses is essential in order to preserve public health and economic vitality within Marion County.

A. *Uses Allowed Only by Special Exception.*

1. The following table lists the special use, commercial and industrial land uses that are permitted in the W-1 and W-5 districts only upon the grant of a Special Exception ~~by the Board of Zoning Appeals decided in accordance with Indiana Code 36-7-4-900 Series. All petitions for Special Exceptions to the W-1 and W-5 districts shall be subject to a public hearing before a Hearing Officer, appointed by the Metropolitan Development Commission, who has special expertise in environmental protection matters, under an alternate procedure to be established by the Metropolitan Development Commission which will require such petitions to be referred to a Hearing Officer who is qualified to evaluate contamination risk management and ground water quality protection and who is specifically appointed for such purposes.~~ However, those listed land uses in the W-1 district that, in their ordinary course of business, have less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids in the aggregate and those land uses in the W-5 district that, in their ordinary course of business, have less than the threshold amount of one hundred (100) gallons of liquids in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate on site are excluded from this Special Exception requirement.
2. In calculating whether the aggregate W-1 and W-5 districts' thresholds for liquids or the W-1 and W-5 districts' thresholds for water soluble solids are met, the following substances shall be exempted:
 - a. Beverages and food to be consumed on the site.
 - b. Reasonable supplies for routine building and yard maintenance.
 - c. Liquids required for normal operation of a motor vehicle in use by that vehicle.
 - d. Substances contained within vehicles for bulk deliveries to the site.
 - e. Uncontaminated public water supply water, well water or river water.
 - f. Any liquid or water soluble solid on a list of exempt substances promulgated by the Health and Hospital Corporation in a quantity below the maximum amount for that substance. The Health and Hospital Corporation shall prepare a list of exempt substances and the maximum exemption amount for each substance. The list and amounts shall be based on information about the toxicity and

mobility of the substances in ground water supply. The Health and Hospital Corporation may add to or delete from the list from time to time. A copy of this list will be available in the office of the Neighborhood and Development Services Division.

PRIMARY LAND USES	
Agricultural Chemical Storage	<u>Manufacture of Autos and Trucks Assembly</u>
Animal Feedlots	<u>Manufacture of Measuring, Analyzing & Controlling Instruments; Photographic, Medical and Optical Goods; Watches & Clocks</u>
Pesticide & Fertilizer Application Services	<u>Manufacture of Recording Instruments</u>
Road Salt Storage	<u>Manufacture of Communication Equipment</u>
Oil and Gas Production Wells	<u>Manufacture of Major Electric and/or Gas Household Appliances</u>
Metal Mining	<u>Manufacture of Marine Equipment Manufacture</u>
<u>Chemical & Fertilizer Minerals Mining and Quarrying</u>	<u>Manufacture of Chemicals and Gases</u>
Clay, Ceramic & Refractory Minerals Mining and Quarrying	<u>Manufacture of Colors, Dye, Paint and Other Coatings</u>
Limestone, Sand & Gravel Mining and Quarrying	<u>Manufacture of Detergents and Soaps</u>
Textile Production	<u>Manufacture of Explosives, Matches, and Fireworks</u>
Building Materials Production	<u>Manufacture of Glass and Glass Products</u>
Wood Preservers and Treaters	<u>Manufacture of Light Portable Household Appliances; Electric Hand Tools; Electrical Components and Sub-Assemblies; Electric Motors; Electric and Neon Signs</u>
Printing and Allied Industries	<u>Manufacture of Wood Products Manufacturing</u>
Chemical Manufacture , Blending and Distribution	Manufacture of Paper, <u>Paper Box and Paper and Allied Products</u>
Slaughterhouse and Meat Packing	Manufacture of Machinery, Including Electrical & Electronic Machinery; and Equipment and Supplies (circuits and Batteries).
<u>Fat Rendering</u>	<u>Manufacture of Musical Instruments</u>
Rubber & Miscellaneous Plastics Processing & Production	<u>Manufacture of Office Machinery, Electrical and Mechanical</u>
Leather Tanning and Finishing	<u>Manufacture of Tools and Implements, Machinery and Machinery Components</u>
<u>Silicone, Glass or Cement Manufacturing</u>	<u>Manufacture of Cement</u>
<u>Creosote Manufacturing and Treatment</u>	Blast Furnaces, Steel Works, Rolling & Finishing Mills
<u>Electroplaters, Metal Finishers & Metal Fabricators</u>	Food or Beverage Production (excluding restaurants and catering)
<u>Electroplating Operations and Metal Finishers</u>	Radioactive Waste Handling and Storage

<u>Stamping and Fabricating Metal Shops Using Press, Brakes, and Rolls</u>	Construction Contractors' Equipment and Materials Storage
<u>Machine, Tool and Die Shops</u>	Materials Transport & Transfer Operations (Truck Terminals)
Dry Cleaners and Commercial Laundries	Oil and Liquid Materials Pipelines
Motor and Body Repair: Auto, Truck, Lawnmower, Airplane, Boat, <u>Motorcycle</u>	Wastewater Treatment Facilities
Automotive Supplies Distribution	Sludge Treatment and Disposal
Mortuary and Other Embalming Services	Furniture & Wood Strippers, Refinishers
Photographic Processing Facilities	Scrap & Junk yards
Laboratories: Medical, Biological, Bacteriological, Chemical	Chemical & Petroleum Storage and Sales
Building Cleaning & Maintenance Services Company	Gasoline Service Stations and Storage Tanks
Hospitals	Car and Truck Wash
Educational, Engineering & Vocational Shops and Laboratories	Truck Stop
Large Institutional Uses: Convalescent or Nursing Homes Correctional and Penal Institutions, Schools and <u>Universities</u>	Heating Oil Companies/Fuel Storage
Warehousing of Potential Ground Water Contaminants	Petroleum Refining
Equipment Repair	Asphalt and Tar Production

Development associated with the above listed primary land uses, but used exclusively for offices, does not require a Special Exception.

B. *Special Regulations for Uses Permitted by Special Exception.* In whatever Wellfield Protection Zoning District within Marion County the uses designated in Sec. 2.02,A, are included as permitted uses, such uses shall be subject to the following special regulations. These special regulations shall be in addition to the applicable district's development standards and requirements and, in case of any conflict, the more stringent regulations shall control.

Except as provided in Sec. 2.00,A,2,a through d, no new or changed use of land, structure, or premises, as designated in Sec. 2.02,A, shall be permitted except upon the grant of a Special Exception by ~~the Board of Zoning Appeals~~ a Hearing Officer, as provided in Sec. 2.02.A.1, to permit such a use.

C. *Grant of Special Exception.* ~~The Board of Zoning Appeals is hereby authorized to grant a~~ The grant of a Special Exception to permit uses designated in Sec. 2.02, A, shall be subject to the following requirements:

1. A petition for Special Exception to permit any use designated in Sec. 2.02,A, shall be filed ~~with the Board of Zoning Appeals~~ in accordance with the ~~Board's~~ Hearing Officer of the Metropolitan Board of Zoning Appeals Rules of Procedure.

In addition to the site plan and area map filing requirements of the ~~Board's~~ Rules of Procedure or Special Exception petition forms, the petitioner shall file with the Special Exception petition:

- a. ~~A~~ Detailed Plan of Operation including a listing of the types and quantities of liquids or water-soluble solids to be stored or used on site.

- b. Specifications for any secondary containment system.
- c. ~~A Proposed detailed Finding of Fact, in support of determination by the Board (hereinafter specified as described in Sec. 2.02,C,2, of this ordinance).~~

The petition, or evidence presented ~~to the Board~~ at the public hearing, may include any additional pertinent exhibits.

~~The Board of Zoning Appeals shall consider c~~Comments from the public and appropriate regulatory agencies relating to the effects of development on ground water shall be considered at the public hearing.

- 2. *Finding of Fact.* A Special Exception shall be granted following public hearing of the petition and upon ~~the Board's a~~ determination that the proposed land use and associated activities will not pose an unreasonable risk to ground water within a designated wellfield protection area.
- 3. *The granting of Special Exception shall be subject to the requirements in Sec. 2.02,C,4.* However, the ~~Board of Zoning Appeals~~ Hearing Officer may:
 - a. Impose conditions or require commitments to protect the ground water supply in addition to the requirements stated in Sec. 2.02,C,4.
 - b. Substitute conditions or commitments that protect the ground water supply for one or more of the requirements in Sec. 2.02,C,4. These conditions or commitments may be less stringent or more stringent than the requirements in Sec. 2.02,C,4.
 - c. Waive one or more of the requirements in Sec. 2.02,C,4, if agreement to the waiver of the requirement has been expressed in writing by the Health Officer of Health and Hospital Corporation and the applicable water utility.

In determining whether conditions or commitments should be made applicable, in determining whether conditions and commitments should be substituted for requirements, and in determining whether requirements should be waived, ~~the Board of Zoning Appeals shall consider~~ the risk to the ground water supply posed by the development and the costs of various methods of protecting the ground water supply shall be considered. ~~The Board of Zoning Appeals Hearing Officer~~ shall make findings supporting the substitution of conditions or commitments for requirements or the waiver of requirements.

- 4. Except as provided in Sec. 2.02,C,3, real property that is the subject of a Special Exception under Sec. 2.02, shall be subject to the requirements found in this 2.02,C,4. Unless otherwise stated, these requirements shall apply to real property in both the W-1 and W-5 districts. Where a requirement is applicable to a "liquid" or "water soluble solid," the requirement does not extend to liquids or water soluble solids exempted under Sec. 2.02,A,2,a through f.
 - a. All known abandoned wells shall be identified and sealed in accordance with The Code of the Health and Hospital Corporation, (1980), as amended, IC 25-39-4-6 and Title 310 IAC 16-10-2, as amended.

The Code of Health and Hospital Corporation, Chapter 18, as amended are incorporated into this ordinance by reference. Two copies of The Code, Chapter 18 are on file and available for public inspection in the office of the Neighborhood and Development Services Division.

- b. No surface impoundments, ponds, or lagoons shall be established except for:
 - i. Storm water detention and retention ponds; and

- ii. Recreation or landscaping purposes.
- c. Surface drainage from the property, if collected, shall be diverted to storm sewers, when available. If storm sewers are not available, storm water detention and retention ponds may be used in the W-1 and W-5 districts. However, in the W-1 district, detention and retention ponds shall meet one of the following criteria:
 - i. They are constructed in a manner that provides an effective barrier to the migration of potential ground water contaminants into the ground water.
 - ii. There are existing or developed site features, including the location of the proposed pond, to prevent the migration of potential ground water contaminants into the ground water.
- d. The development shall be connected to municipal sanitary sewers. Floor drains, if present, must be connected to sanitary sewers or routed to a temporary holding area for removal.
- e. All trash dumpsters shall be located on hardsurfaced areas that drain to storm sewers or sanitary sewers.
- f. All outdoor areas that may be used for the storage of potential ground water contaminants shall be constructed in a manner to prevent a release from the storage area from reaching the ground water.
- g. All vehicle or equipment repair and shop areas shall be located within an enclosed building that includes a floor constructed of material which forms an effective barrier to prevent the migration of fluids or other materials into the ground water.
- h. The following restrictions apply only in the W-1 district:
 - i. No storage tank of liquid (for underground storage tanks see requirement m) of greater than one thousand (1000) gallons is allowed.
 - ii. No storage of water soluble solids of more than six thousand (6000) pounds is allowed in any one containment area.
- i. Except for fuel stored in accordance with C.3.n. at a fuel dispensing facility, all tanks holding more than 40 gallons of liquids for more than twenty-four hours must be in a location or containment area capable of preventing any release from the tank from reaching the ground water table. A containment area capable of containing 110% of the largest such tank in that location would satisfy this requirement.

A tank is a container used to contain a liquid. Neither a pipe nor a surface impoundment is a tank.

- i. The containment area shall be constructed to meet at least one (1) of the following requirements:
 - 1. A secondary containment structure designed to prevent and control the escape or movement of potential ground water contaminants into ground water for a minimum period of 72 hours before removal; or
 - 2. A storage tank designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes interstitial monitoring.
- ii. Where practical, the secondary containment structure shall be designed to allow drainage or pumping into a holding area designed to contain the discharge until it can be properly removed.

- iii. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
- iv. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- j. While being stored, water soluble solids must be kept dry at all times.
- k. Sludges which could release liquids or water soluble solids must be contained so that neither could enter the ground water.
- l. The transfer area for the bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
 - i. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water.
 - ii. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the area.

EDITORIAL NOTE: Disposal of hazardous materials shall be in accordance with regulations governing the disposal of hazardous materials as defined by The Code of the Health and Hospital Corporation of Marion County, Chapter 20 (1993), as amended.

- m. In the W-1 district, existing underground storage tanks (USTs) may be replaced or upgraded only in accordance with requirement n. Replacements and upgrades to existing USTs at fuel dispensing facilities are not subject to the volume limitations provided in requirement h. No other new USTs are permitted in the W-1 district.
- n. The following requirements apply only to fuel dispensing facilities, or replacement or upgraded USTs as referenced in requirement m. For all other tanks, see requirement i.
 - i. Approved USTs shall be double walled.
 - ii. Approved USTs shall include the following three methods of release detection:
 - 1. Inventory Control as defined in 40 CFR 280.43(a);
 - 2. Monthly 0.2 in tank leak test as defined in 40 CFR 280.43(d); and
 - 3. Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g).
 - iii. Connected piping must include the following three methods of release detection:
 - 1. Inventory Control;
 - 2. Continuous detection for 3 gallon per hour line leak, as specified in 40 CFR 280.44(a) except that automatic shutoff is required at 95% tank capacity; and
 - 3. Double walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44c via 280.43g.

- o. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
 - i. If the extraction of sand and gravel involves the removal of materials below the normal ground water level, the work shall be accomplished by way of a dragline, floating dredge, or an alternative "wet" excavation method.
 - ii. There shall be no de-watering of sites utilized for sand and gravel extraction.
 - iii. No form of solid waste, sludge, or any other form of waste material of any kind, including, but not limited to, construction/demolition debris, shall be used on the site. The only fill permitted to be used on the site shall be natural surface materials taken from the site during sand and gravel extraction operations.
 - iv. Except for diesel fuel or hydraulic fluids reasonably required to be contained on the equipment, there shall be no storage of any fuels, oils, lubricants, hydraulic fluids, petroleum products or other similar materials on site.
- p. De-watering of sites shall be permitted only for the following purposes:
 - i. To prevent water damage to structures; and
 - ii. To protect ground water quality; and
 - iii. The temporary de-watering for the construction of sewers and other underground facilities.
- q. Class V injection wells (as defined in 40 CFR 146) shall be prohibited with the exception of the following:
 - i. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if non-contact; and
 - ii. Cooling water return flow wells used to inject water previously used for cooling, if non-contact; and
 - iii. Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality; and
 - iv. Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts.
 - v. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if non-contact.

Sec. 2.03. 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 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.* The words in the text or illustrations of this ordinance shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

1. *Abandoned Well.* A well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.
2. *Above Ground Storage Tank.* Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential ground water contaminants and the volume of which (including the volume of underground pipes connected thereto) is less than ten (10) percent beneath the surface of the ground. Flow-through process tanks are excluded from the definition of above ground storage tanks.
3. *Access Drive.* That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property.
4. *Approved Underground Storage Tank.* A stationary device designed to contain an accumulation of potential ground water contaminants and constructed of non-earthen materials, for example, steel or fiberglass, which has been approved for use by the Steel Tank Institute or the Fiberglass Petroleum Tank and Pipe Institute.
5. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
6. *Connected Piping.* All underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.
7. *Containment Area.* An above ground area with floors and sidewalls that have been constructed of a material which will prevent migration of fluids into the ground water.
8. *De-Watering.* Any removal of ground water specifically designed to lower ground water levels.
9. *Disposal.* Discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential ground water contaminants into or on any land or water.

10. *Drag Line.* An excavating machine in which the bucket is attached by cables and operates by being drawn toward the machine.
11. *Driveway.* Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line.
12. *Dry Disconnect Couplings.* A device that serves to connect the ends of adjacent fuel delivery hoses or piping, and which is designed to completely contain the volume of fuel contained in such hoses or piping upon disconnection.
13. *Excavation.* The breaking of ground, except common household gardening, ground care and agricultural activity.
14. *Fuel Dispensing Facility.* Any facility where gasoline or diesel fuel is dispensed into motor vehicle fuel tanks from an underground storage tank.
15. *Ground Water.* Any water occurring within the zone of saturation in a geologic formation beneath the surface of the earth.
16. *Hardsurfaced.* (Pertains to the Wellfield Protection Zoning Ordinance only.) Quality of an outer area being solidly constructed of asphalt, concrete, or other Health and Hospital Corporation approved material.
17. *Potential Ground Water Contaminant.* Any material which because of its toxicity and mobility in ground water, poses a significant hazard to the quality of ground water resources used for public water supply.
18. *Liquid Transfer Area.* An off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential ground water contaminant to and from a facility.
19. *Interstitial Monitoring.* A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential ground water contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.
20. *Legally Established Nonconforming Use.* Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the zoning district.
21. *Liquid.* A liquid is a substance or mixture which is fluid at 20 degrees C (68 degrees F).
22. *Permitted Use.* Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
23. *Premises.* A platted lot or part thereof or unplatted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, easement, or drainage way.
24. *Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (surface water, ground water, drinking water supply, land surface, subsurface strata).
25. *Shop Area.* A production or repair area equipped with tools and machinery.

26. *Storage.* The long term deposit (more than twenty-four hours) of any goods, material, merchandise, vehicles, or junk.
27. *Surface Impoundment.* A natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.
28. *Underground Storage Tank.* Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential ground water contaminants and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.
29. *Vehicle or Equipment Repair Area.* An area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.
30. *Well.* A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

C. *Editorial Notes.* Editorial notes provided throughout this ordinance are for information purposes only. Such editorial notes are not to be construed or interpreted as a definition or ordinance provision itself.

CHAPTER III

Sec. 3.00. *Severability.* If any provision of this ordinance shall be held invalid, its 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.

Sec. 4.00. *Expiration.* This ordinance expires on ~~April 30~~ ~~December 31~~ July 1, 1996.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning Ordinance [62-AO-2] as amended) and the Airspace District Map adopted as part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 5. This rezoning shall not supersede, amend or repeal the Regional Center Zoning District boundaries, as adopted under Metropolitan Development Commission docket number 70-AO-3, as amended.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 294, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on April 20, 1995." The Council did not schedule Proposal No. 294, 1995 for

April 24, 1995

hearing pursuant to IC 36-7-4-608. Proposal No. 294, 1995 was retitled REZONING ORDINANCE NO. 55, 1995 and is identified as follows:

REZONING ORDINANCE NO. 55, 1995. 94-Z-101 DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19
5601 WEST THOMPSON ROAD (approximate address), INDIANAPOLIS.
PEARL M. MILHAUS, by James W. Beatty, requests the rezoning of 15.12 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

PROPOSAL NO. 295, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on April 20, 1995." The Council did not schedule Proposal No. 295, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 295, 1995 was retitled REZONING ORDINANCE NO. 56, 1995 and is identified as follows:

REZONING ORDINANCE NO. 56, 1995. 95-Z-12 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 16.
1445-1447 NORTH TIBBS AVENUE and 1444-1448 NORTH GROFF AVENUE (approximate address), INDIANAPOLIS.
AMERICAN STORE PROPERTIES, INC., by J. Murray Clark requests the rezoning of 0.54 acre, being in the D-5 District, to the C-4 classification to provide for a retail commercial development.

PROPOSAL NO. 296, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on April 17, 1995." The Council did not schedule Proposal No. 296, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 296, 1995 was retitled REZONING ORDINANCE NO. 57, 1995 and is identified as follows:

REZONING ORDINANCE NO. 57, 1995. 95-Z-6 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13
6105 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.
DAVID M. MUNN, by William F. LeMond, requests the rezoning of 2.285 acres, being in the C-3 District, to the C-S classification to provide for the installation of mini-warehousing facility to the rear of an existing fence, deck and patio business.

PROPOSAL NOS. 297-305, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 20, 1995." The Council did not schedule Proposal Nos. 297-305, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 297-305, 1995 were retitled REZONING ORDINANCE NOS. 58-66, 1995 and are identified as follows:

REZONING ORDINANCE NO. 58, 1995. 95-Z-18 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 17
1621 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
CARTER LEE LUMBER CO., INC. requests the rezoning of 1.055 acres, being in the D-5 and I-4-U Districts, to the C-7 classification to provide for the expansion of an existing lumber facility.

REZONING ORDINANCE NO. 59, 1995. 95-Z-19 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17
2530 WEST MORRIS STREET (approximate address), INDIANAPOLIS.
ROBERT DEHARDER, by Thomas Michael Quinn, requests the rezoning of 8.575 acres, being in the C-S District, to the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 60, 1995. 95-Z-24 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 20

2115 SOUTHPORT ROAD and 23 WEST STREET (approximate address), SOUTHPORT.
G & J ENTERPRISES, by John D. Papageorge, requests the rezoning of 2.9 acres, being in the D-4 and C-7 Districts, to the C-4 classification to provide for the expansion of a furniture store and accessory storage facility.

REZONING ORDINANCE NO. 61, 1995. 95-Z-26 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 2.

8403 MICHIGAN ROAD (approximate address), INDIANAPOLIS.
CENTURY DEVELOPMENT COMPANY, by Philip A. Nicely, requests the rezoning of 1.3 acres, being in the C-1 and C-3 Districts, to the C-4 classification to provide for retail commercial development.

REZONING ORDINANCE NO. 62, 1995. 95-Z-32 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 5.

9467 EAST 38TH STREET (approximate address), INDIANAPOLIS.
HEALTH & HOSPITAL CORPORATION OF MARION COUNTY, by Thomas Michael Quinn, requests the rezoning of 10.0 acres, being in the SU-1(FF) District, to the C-1(FF) classification to provide for development of a health care center and community center.

REZONING ORDINANCE NO. 63, 1995. 95-Z-37 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 2.

8361 MICHIGAN ROAD (approximate address), INDIANAPOLIS.
MEI PROPERTIES, LTD., by Philip A. Nicely, requests the rezoning of 2.09 acres, being in the C-1 District, to the C-3 classification to provide for the expansion of existing retail development.

REZONING ORDINANCE NO. 64, 1995. 95-Z-40 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 24.

2707 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP of Marion County requests the rezoning of 0.5 acre, being in the SU-9 District, to the C-1 classification to provide for office use.

REZONING ORDINANCE NO. 65, 1995. 95-Z-41 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 11.

4125 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.
MILLER EADS CO., INC., by Raymond Good, requests the rezoning of 0.98 acre, being in the C-4 and D-5 Districts, to the C-S classification to provide for an electrical contractor business and other uses permitted within the C-4 District.

REZONING ORDINANCE NO. 66, 1995. 95-Z-44 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 12.

2347 NORTH SHADELAND AVENUE (rear) (approximate address), INDIANAPOLIS.
CHARLES L. MONG, III, by Wilson S. Stober, requests the rezoning of 7.219 acres, being in the C-S District, to the C-S classification to provide for a truck leasing and washing facility, associated with an existing trucking terminal.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 165, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 165, 1995 on April 12, 1995. The proposal is an appropriation of \$145,697 for the Superior Court, Juvenile Division/Detention Center, to fund the balance due for the Court/Center computer and to fund various maintenance agreements from the County General Fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:21 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 165, 1995 was adopted on the following roll call vote; viz:

April 24, 1995

23 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West

2 NAYS: O'Dell, Ruhmkorff

3 NOT VOTING: Beadling, Hinkle, Williams

1 NOT PRESENT: Giffin

Proposal No. 165, 1995 was retitled FISCAL ORDINANCE NO. 33, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional One Hundred Forty-five Thousand Six Hundred Ninety-seven Dollars (\$145,697) in the County General Fund for purposes of Superior Court, Juvenile Division/Detention Center and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(kk) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Superior Court, Juvenile Division/Detention Center to fund the balance of the Court/Center computer and computer maintenance agreements.

SECTION 2. The sum of One Hundred Forty-five Thousand Six Hundred Ninety-seven Dollars (\$145,697) 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>SUPERIOR COURT, JUVENILE DIVISION/DETENTION CENTER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	23,556
4. Capital Outlay	<u>122,141</u>
TOTAL INCREASE	145,697

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>145,697</u>
TOTAL REDUCTION	145,697

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

PROPOSAL NO. 187, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 187, 1995 on March 27, 1995. The proposal is a new appropriation of \$275,000 to pay the County's portion of the Financial Accounting and Management Information System (FAMIS) for the County Auditor financed by reducing the County General Fund balance. 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 10:23 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 187, 1995 was adopted on the following roll call vote; viz:

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

1 NAY: McClamroch

4 NOT VOTING: Beadling, Black, Hinkle, Williams

1 NOT PRESENT: Giffin

Proposal No. 187, 1995 was retitled FISCAL ORDINANCE NO. 34, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Two Hundred Seventy-five Thousand Dollars (\$275,000) in the County General Fund for the County Auditor 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(b) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor to pay the county's portion of the Financial Accounting and Management Information System (FAMIS) upgrade.

SECTION 2. The sum of Two Hundred Seventy-five Thousand Dollars (\$275,000) 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 GENERAL FUND</u>
3. Other Services and Charges	<u>275,000</u>
TOTAL INCREASE	275,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>275,000</u>
TOTAL REDUCTION	275,000

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

PROPOSAL NO. 189, 1995. Councillor O'Dell reported that the Community Affairs Committee heard Proposal No. 189, 1995 on April 20, 1995. The proposal is a new appropriation of \$10,955 to pay for capital items needed in the kitchen of the Marion County Children's Guardian Home financed by reducing the County General Fund balance. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:25 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Smith, for adoption. Proposal No. 189, 1995 was adopted on the following roll call vote; viz:

April 24, 1995

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

0 NAYS:

2 NOT VOTING: *Hinkle, Williams*

1 NOT PRESENT: *Giffin*

Proposal No. 189, 1995 was retitled FISCAL ORDINANCE NO. 35, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Ten Thousand Nine Hundred Fifty-five Dollars (\$10,955) in the County General Fund for The purpose of the Marion County Children's Guardian Home 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(yy) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Children's Guardian Home for capital items needed in the kitchen.

SECTION 2. The sum of Ten Thousand Nine Hundred Fifty-five Dollars (\$10,955) 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 CHILDREN'S GUARDIAN HOME</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>10,955</u>
TOTAL INCREASE	10,955

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>10,955</u>
TOTAL REDUCTION	10,955

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

[Clerk's Note: Councillor Giffin was absent at the Parks and Recreation Committee meeting on April 24, 1995, so Councillor Rhodes gave the Committee's reports.]

PROPOSAL NO. 192, 1995. Councillor Rhodes reported that the Parks and Recreation Committee heard Proposal No. 192, 1995 on April 24, 1995. The proposal is a new appropriation of \$170,000 for landscaping, tree trimming, cart path guard rails, a pedestrian bridge and other miscellaneous improvements financed from Park General/Golf Fund balances. 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 10:28 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Schneider, for adoption. Proposal No. 192, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Hinkle, Jimison*

1 NOT PRESENT: *Giffin*

Proposal No. 192, 1995 was retitled FISCAL ORDINANCE NO. 36, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional One Hundred Seventy Thousand Dollars (\$170,000) in the Park General/Golf Fund for purposes of the Department of Parks and Recreation, Golf Division and reducing the unappropriated and unencumbered balance in the Park General/Golf 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(o) of the City-County Annual Budget for 1995, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Department of Parks and Recreation, Golf Division for the completion of the Coffin Golf Course renovation, including landscaping, tree trimming, cart path guard rails, a pedestrian bridge and other miscellaneous improvements.

SECTION 2. The sum of One Hundred Seventy Thousand Dollars (\$170,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PARKS AND RECREATION
GOLF DIVISION

4. Capital Outlays
TOTAL INCREASE

PARK GENERAL/GOLF FUND

\$170,000
\$170,000

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

Unappropriated and Unencumbered
Park General/Golf Fund
TOTAL REDUCTION

PARK GENERAL/GOLF FUND

\$170,000
\$170,000

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

PROPOSAL NO. 193, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 193, 1995 on March 21, 1995. The proposal is an appropriation of \$614,755 in Uniform Traffic Tickets receipts between September and December 1994 from qualified drivers for county agencies involved in enforcing the program financed from the Moving Traffic Deferral Fees. 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 10:30 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 193, 1995 was adopted on the following roll call vote; viz:

April 24, 1995

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, 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 PRESENT: *Giffin*

Proposal No. 193, 1995 was retitled FISCAL ORDINANCE NO. 37, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Six Hundred Fourteen Thousand Seven Hundred Fifty-five Dollars (\$614,755) in Deferral Program Fee Fund for purposes of the County Auditor, County Sheriff, Presiding Judge of the Municipal Court and the Prosecuting Attorney 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), (aa), (dd) and (w) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of County Auditor, County Sheriff, Presiding Judge of the Municipal Court, and the Prosecuting Attorney to cover expenses associated with traffic law enforcement between September and December, 1994.

SECTION 2. The sum of Six Hundred Fourteen Thousand Seven Hundred Fifty-five Dollars (\$614,755) 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>DEFERRAL PROGRAM FEE FUND</u>
1. Personal Services - fringes	42,143
3. Other Services and Charges	123,478
<u>COUNTY SHERIFF</u>	
2. Supplies	5,301
3. Other Services and Charges	59,000
<u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	
3. Other Services and Charges	51,575
4. Capital Outlay	99,137
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	126,431
3. Other Services and Charges	<u>107,690</u>
TOTAL INCREASE	614,755

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>614,755</u>
TOTAL REDUCTION	614,755

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

PROPOSAL NO. 194, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 194, 1995 on March 21, 1995. The proposal

is an appropriation for \$78,331 to pay training expenses for the County Sheriff's Department financed by Continuing Education Fund balances. 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 10:31 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 194, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Gray, SerVaas*

1 NOT PRESENT: *Giffin*

Proposal No. 194, 1995 was retitled FISCAL ORDINANCE NO. 38, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Forty-seven Thousand Five Hundred Ninety-three Dollars (\$47,593) in the Sheriff's Continuing Education Fund for purposes of County Sheriff and reducing the unappropriated and unencumbered balance in the Sheriff's Continuing Education Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(z) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of County Sheriff for training expenses for sheriff deputies.

SECTION 2. The sum of Forty-seven Thousand Five Hundred Ninety-three Dollars (\$47,593) 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 SHERIFF</u>	<u>SHERIFF'S CONTINUING EDUCATION FUND</u>
3. Other Services and Charges	<u>78,331</u>
TOTAL INCREASE	78,331

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

	<u>SHERIFF'S CONTINUING EDUCATION FUND</u>
Unappropriated and Unencumbered	
Sheriff's Continuing Education Fund	<u>78,331</u>
TOTAL REDUCTION	78,331

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

PROPOSAL NO. 198, 1995. The proposal, sponsored by Councillor Borst, is an appropriation for \$197,600 for the Court Administrator to purchase 38 walk-through metal detectors and up to 38 hand wands for use by those courts and agencies that desire security financed from the County General Fund balances. Councillor Curry asked for consent to

postpone this proposal until May 8, 1995 Proposal No. 198, 1995 was postponed until May 8, 1995 by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 63, 1995. Councillor Rhodes reported that the Parks and Recreation Committee heard Proposal No. 63, 1995 on March 9, 1995. On March 20, 1995 the Council voted to return it to Committee; and on April 24, 1995 the Committee heard it again. The proposal repeals the White River Greenway Development Board and establishes an Indianapolis Greenways Development Committee. 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 moved, seconded by Councillor Gray, for adoption.

Councillor McClamroch moved to postpone this proposal until May 8, 1995. This motion was seconded by Councillor Gilmer, and it passed by a unanimous voice vote.

PROPOSAL NO. 105, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 105, 1995 on April 17, 1995. The proposal, sponsored by Councillor Dowden, authorizes the lease of office space located in Center Township for the Department of Public Safety, By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Rhodes moved, seconded by Councillor Dowden, to strike. Proposal No. 105, 1995 was stricken by a unanimous voice vote.

PROPOSAL NO. 191, 1995. Councillor Rhodes reported that the Parks and Recreation Committee heard Proposal No. 191, 1995 on April 24, 1995. The proposal amends public hearing requirements with respect to disposal of certain land by the Indianapolis Department of Parks and Recreation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Jones, for adoption.

Councillor McClamroch moved to postpone Proposal No. 191, 1995 until May 8, 1995. This motion was seconded by Councillor Gilmer, and it passed by a unanimous voice vote.

PROPOSAL NO. 197, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 197, 1995 on April 12, 1995. The proposal is a transfer of appropriations of \$15,561 to finance the preparation by Community Corrections of a comprehensive report on youth identified as being victims or perpetrators of violence financed by reducing other appropriations from the State and Federal Grants Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 197, 1995 was adopted on the following roll call vote; viz:

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

2 NAYS: Boyd, Gilmer

1 NOT VOTING: Black

1 NOT PRESENT: Giffin

Proposal No. 197, 1995 was retitled FISCAL ORDINANCE NO. 39, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Fifteen Thousand Five Hundred Sixty-one Dollars (\$15,561) in the State and Federal Grant Fund for the purpose of Community Corrections Agency and reducing certain other appropriations for that 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(aa) (b) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for the purpose of the Community Corrections Agency to prepare a comprehensive report on youth identified as being victims or perpetrators of violence.

SECTION 2. The sum of Fifteen Thousand Five Hundred Sixty-one Dollars (\$15,561) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTION AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>15,561</u>
TOTAL INCREASE	15,561

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

<u>COMMUNITY CORRECTION AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	13,619
 <u>COUNTY AUDITOR</u>	
1. Personal Services	<u>1,942</u>
TOTAL DECREASE	15,561

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

PROPOSAL NO. 229, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 299, 1995 on April 18, 1995. The proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps numbers 2, 14, 28, 47, 50, and 51. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Hinkle, for adoption. Proposal No. 229, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Schneider*

1 NOT PRESENT: *Giffin*

Proposal No. 229, 1995 was retitled GENERAL ORDINANCE NO. 58, 1995 and reads as follows:

April 24, 1995

CITY-COUNTY GENERAL ORDINANCE NO. 58, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-5

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, Indiana, which Ordinance includes the Comprehensive Zoning Maps of Marion County, Indiana, as amended, and fixing a time when the same shall take effect.

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

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

SECTION 1. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended to update specifically base maps #2, #14, #28, #47, #50 and #51 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land within the area noted on the four sections of base map #2, the four sections of base map #14, the four sections of base map #28, the four sections of base map #47, the two sections of base map #50, and the one section of base map #51 are hereby classified, divided and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby updating said Comprehensive Zoning Maps to include various rezonings by individual legal description or map amendments adopted subsequent to Metropolitan Development Commission docket number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supercede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to October 23, 1994, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said MAPS in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning Ordinance [62-AO-2] as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 5. If any provision of this Ordinance shall be held invalid, its 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.

PROPOSAL NOS. 230 and 251, 1995. Councillor West asked for consent to discuss and vote on these two proposals together. Consent was given. PROPOSAL NO. 230, 1995. The proposal affirms the City's intent to comply with the minimum standards of the National Flood Insurance Program. PROPOSAL NO. 251, 1995. The proposal amends Sec. 536-201 of the Revised Code to revise the exemptions permitting certain construction activities in floodways. Councillor West reported that the Metropolitan Development Committee heard Proposal Nos. 230 and 251, 1995 on April 18, 1995. By a 7-0 vote, the Committee reported Proposal No. 230, 1995 to the Council with the recommendation that it do pass. By a 7-0 vote, the Committee reported Proposal No. 251, 1995 to the Council with the recommendation that it do pass as amended. Councillor West moved, seconded by Councillor Smith, for

adoption. Proposal Nos. 230 and 251, as amended, 1995 were adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, 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 PRESENT: *Giffin*

Proposal No. 230, 1995 was retitled GENERAL RESOLUTION NO. 1, 1995 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 1995

A GENERAL RESOLUTION affirming the City of Indianapolis' intent to comply with the minimum standards of the National Flood Insurance Program.

WHEREAS, the City of Indianapolis and Marion County, Indiana ("City") is a participating community in the National Flood Insurance Program ("NFIP"); and

WHEREAS, participation in the NFIP entitles property owners in the floodway and floodway fringe to purchase federally subsidized flood insurance and entitles the community to federal financial assistance; and

WHEREAS, on February 1, 1995, FEMA notified the City that it will be placed on probationary status with the NFIP on June 15, 1995, unless certain measures are taken prior to that date to correct deficiencies in the City's program; and

WHEREAS, the City is taking the remedial measures FEMA has deemed necessary to avoid probation; and

WHEREAS, one of the measures FEMA requires is that the City adopt a resolution confirming the City's intent to continue to participate in the NFIP; now therefore:

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

SECTION 1. The City of Indianapolis and Marion County, Indiana, hereby affirms its intent to comply with the minimum standards of the National Flood Insurance Program and shall require local compliance with City-County General Ordinance No. 64, 1992, Flood Control Districts Zoning Ordinance of Marion County, as illustrated in part by the building code permit amendments set forth in the attached Proposal No. 251, 1995.

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

Proposal No. 251, 1995, as amended, was retitled GENERAL ORDINANCE NO. 59, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1995

A GENERAL ORDINANCE amending Sec. 536-201 of the Revised Code of the Consolidated City and County, to repeal the exemption permitting certain construction activities in floodways.

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

SECTION 1. Sec. 536-201 of the Revised Code of the Consolidated City and County be, and is hereby, amended (by deleting the stricken-through text and inserting the underlined text) to read as follows:

Sec. 536-201. When building permits required.

(a) Permit required: No person, partnership or corporation shall engage in any construction activity in the consolidated city unless a written building permit issued by the neighborhood and development services division describing the activity has been obtained by and is in force relative to the person, partnership or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit; provided, however, that :

(b) Exemptions for one and two family dwellings: With respect to one or two family residential structures the permit specified in subsection (a) shall not be required for:

- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional health or safety risks as defined in section 8-12; or
- (2) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or
- (3) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
- (4) Replacement of prime windows (limited to like for like in a wall opening of the same dimensions which does not reduce the egress required by code provision existing at the time the building was constructed) so long as the listed contractor files a prescribed written notification form with the neighborhood and development services division prior to the commencement of such services; or a person who owns or is purchasing a residential structure on contract with intention to utilize the property for his or her own occupancy may likewise replace prime windows in such structure; or
- (5) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening; or
- (6) Replacement of an existing roof so long as the listed contractor files a prescribed written notification form with the Division of Neighborhood & Development Services prior to the commencement of construction, that does not involve:
 - a. a change in roof configuration; or
 - b. a change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure; or
 - c. the replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than 128 square feet of decking); or
 - d. the installation of heat-applied roofing material; or
 - e. a requirement for a certificate of appropriateness in a historical preservation district; or

Additionally, a person who owns or is purchasing a residential structure on contract with the intention to utilize the property for his or her own occupancy may affix without permit a layer of replacement shingles to a single layer of existing shingles provided that a layer of shingles is not removed and provided that the total shingle-roof application is performed by the owner or contract purchaser with assistance only by non-compensated volunteers.

- (7) Gutter replacement or installation; or
- (8) Installation and replacement of exterior siding so long as the listed contractor files a prescribed written notification form with the Division of Neighborhood & Development Services prior to the commencement of construction; additionally, a person who owns or is purchasing a residential structure on contract with the intention to utilize the property for his or her own occupancy may attach without permit a layer of siding to the existing sheathing without removal of existing sheathing, provided that the total siding application is performed by the owner or contract purchaser assisted only by non-compensated volunteers; or
- (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall; or

- (10) Installation of thermal insulation; or
- (11) Installation of additional non-load bearing walls that do not result in the creation of sleeping rooms; provided however, permits are required (except as otherwise specifically exempted by provisions of this section) for electrical, heating and cooling, or plumbing work; or
- (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan ; or
- (13) Construction of a fence in conformance with city zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (14) Construction of an above ground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (15) Construction of a deck where:
 - a. no part of the floor is more than thirty (30) inches above finished grade; and
 - b. there is compliance with the assessor notification requirement of section 536-215, or
- (16) Erection of retaining walls which are not over four feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons); or
- (17) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
- (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts which involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued; or
- (20) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors when such installation does not include the installation of an electrical circuit; or
- (21) Repairs in kind on parts of a plumbing system involving the same performance specifications and capacity, including plumbing fixtures, appliances, piping (but not more than twenty percent (20%) of all piping in the structure), valves, and traps; or
- (22) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input; or
- (23) Extension of heating or cooling duct work ; or
- (24) Placement of a one-family factory constructed building not on a permanent foundation in a mobile home park licensed by the Indiana State Department of Health; or
- (25) Initial connection or reconnection of plumbing to a mobile home not placed on a permanent foundation located in a mobile home park licensed by the Indiana State Department of Health; or
- (26) Erection of real estate signs advertising real estate for sale or for rent, provided such signs do not exceed twenty-five (25) square feet in area in conformance with the size provisions of the "sign ordinance"; or
- (27) Connection, provision or use of temporary electrical power for on-site construction activity; or

- (c) Exemption for commercial construction. With respect to commercial structures, the permits specified in subsection (a) shall not be required for:
- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks as defined in section 8-12; or
 - (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
 - (3) Attachment of window awnings to exterior walls where the awnings project to more than forty-eight (48) inches from any wall; or
 - (4) Painting, papering and similar finish work; or
 - (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high; or
 - (6) Construction or installation of temporary motion picture, television and theater stage sets and scenery; or
 - (7) Installation of thermal insulation; or
 - (8) Construction of a fence in conformance with city zoning requirements and any necessary certificates of appropriateness in a historic district; or
 - (9) Construction of an above ground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
 - (10) Construction of platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below; or
 - (11) Installation of water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1); or
 - (12) Erection of oil derricks; or
 - (13) Erection of retaining walls which are over four feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons); or
 - (14) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
 - (15) Erection of any sign in those categories of signs described in section 8-330 (c) of this chapter; or
 - (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
 - (17) Connection, provision or use of temporary electrical power for on-site construction activity; or
 - (18) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit; or
 - (19) Repair in kind on parts of a plumbing system involving the same performance specifications and capacity, including plumbing fixtures, appliances, piping (but not more than twenty percent (20%) of all piping in the structure), valves, and traps; or
 - (20) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input.

(d) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity from the obligation to secure a building permit do not affect the possible obligation to secure a certificate of appropriateness for construction either in an historic area designated by the Indianapolis Historic Preservation Commission or in the Meridian Street Preservation District designated by the Indiana Code. While a building permit may not be required, a certificate of appropriateness from the Commission may be required in such an area.

(e) With respect to construction activity which is exempted by subsection (b) from the permit required by subsection (a) only if the written notice is given by a listed contractor:

- (1) such written notice shall be given on the forms and in the manner prescribed by the administrator of neighborhood and development services;
- (2) commencement of such construction activity prior to the required written notice shall subject such activity to all the provisions and penalties of this chapter applicable to construction activity conducted without a required permit;
- (3) copies of the written notice shall be posted on the job site in the same manner required for permits issued under this chapter;
- (4) upon receipt of the written notice, the administrator shall notify the owner or occupant, who authorized such construction activity, of the right to an inspection of such activity by the division upon request of that owner or occupant;
- (5) the listed contractor shall notify the division of the completion of such construction activity in the same manner as required by sec. 536-301 for activity for which a permit is required; and
- (6) the listed constructor shall advise the division if such construction activity is not completed in 150 days after such written notice was given.

(f) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity from obligation to secure a building permit do not affect the possible obligation to secure a floodplain development permit for construction activity in the Flood Control Districts as designated by the Flood Control Districts Zoning Ordinance. General Ordinance No. 64, 1992. While a building permit may not be required, a floodplain development permit may be required in such areas.

SECTION 2. This ordinance shall be in full force and effect from and after adoption and shall apply to any construction activity not commenced prior to such date.

PROPOSAL NO. 232, 1995. The proposal prohibits the use of benefit leave time by County employees prior to its accrual. Councillor Rhodes asked for consent to return Proposal No. 232, 1995 to Committee. Consent was given.

PROPOSAL NO. 234, 1995. Councillor O'Dell reported that the Community Affairs Committee heard Proposal No. 234, 1995 on April 20, 1995. The proposal is an appropriation of \$59,168 to pay outstanding invoices and cover the shortfall in personal services for the Marion County Healthcare Center financed by transferring other appropriations. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor Franklin, for adoption. Proposal No. 234, 1995 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, 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: Hinkle

1 NOT PRESENT: Giffin

April 24, 1995

Proposal No. 234, 1995 was retitled FISCAL ORDINANCE NO. 40, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Fifty-nine Thousand One Hundred Sixty-eight Dollars (\$59,168) in the County General Fund to pay outstanding invoices and cover the shortfall in personal services of the Marion County Healthcare Center and reducing certain other appropriations for that 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(k) of the City-County Annual Budget for 1995, be, and is hereby amended, by the increases and reductions hereinafter stated for purposes of the Marion County Healthcare Center to pay outstanding invoices and cover the shortfall in personal services.

SECTION 2. The sum of Fifty-nine Thousand One Hundred Sixty-eight Dollars (\$59,168) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY HEALTHCARE CENTER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	4,636
2. Supplies	<u>54,532</u>
TOTAL INCREASE	59,168

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

<u>MARION COUNTY HEALTHCARE CENTER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>59,168</u>
TOTAL REDUCTION	59,168

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

PROPOSAL NO. 237, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 237, 1995 on April 19, 1995. The proposal authorizes the Department of Capital Asset Management to lease its Civil Engineering Lab and certain equipment to Snell Environmental Group, Inc. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal No. 237, 1995 was adopted on the following roll call vote; viz:

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

2 NAYS: *Curry, Ruhmkorff*

1 NOT PRESENT: *Giffin*

Proposal No. 237, 1995 was retitled SPECIAL RESOLUTION NO. 35, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 35, 1995

A SPECIAL RESOLUTION authorizing the Department of Capital Asset Management to lease its Civil Engineering Lab and certain equipment to Snell Environmental Group, Inc.

WHEREAS, the Department of Capital Asset Management's Civil Engineering Lab does not perform enough tests to justify its investment; and

WHEREAS, the leasing of its Civil Engineering Lab and certain equipment represents an opportunity for the Department of Capital Asset Management to recapture past expenditures; and

WHEREAS, Snell Environmental Group, Inc. desires to lease the Department of Capital Asset Management's Civil Engineering Lab and certain equipment; and

WHEREAS, the City-County Council has investigated the conditions compelling the Department of Capital Asset Management to lease its Civil Engineering Lab and certain equipment;

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

SECTION 1. The City-County Council authorizes the Department of Capital Asset Management to lease its Civil Engineering Lab, located at 2001 Martin Luther King Boulevard, and certain equipment to Snell Environmental Group, Inc.

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

PROPOSAL NOS. 239, 240, 241, 242, 244, 245 and 246, 1995. Councillor Gilmer asked for consent to discuss and vote on these seven transportation proposals. Consent was given. PROPOSAL NO. 239, 1995. The proposal, sponsored by Councillor Williams, authorizes traffic signals at Senate Boulevard and the entrance to Methodist Hospital (District 22). PROPOSAL NO. 240, 1995. The proposal, sponsored by Councillor Williams, authorizes stop signs at Oriental Street and 11th Street (District 22). PROPOSAL NO. 241, 1995. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at Arsenal Avenue and 12th Street (District 22). PROPOSAL NO. 242, 1995. The proposal, sponsored by Councillor Rhodes, authorizes a multi-way stop at Briarwood Drive and Sylvan Ridge Drive (District 7). PROPOSAL NO. 244, 1995. The proposal, sponsored by Councillor Black, changes the intersection controls at Park Avenue and 44th Street (District 6). PROPOSAL NO. 245, 1995. The proposal, sponsored by Councillor Gilmer, reduces the speed limit on 86th Street from Lafayette Road to I-465 (District 1). PROPOSAL NO. 246, 1995. The proposal, sponsored by Councillor Gilmer, increases the speed limit on 46th Street from Raceway Road to McCurdy Road (District 1). Councillor Gilmer reported that Proposal Nos. 239, 240, 241, 242, 244, 245 and 246, 1995 were heard by the Capital Asset Management Committee on April 19, 1995. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Rhodes, for adoption. Proposal Nos. 239, 240, 241, 242, 244, 245 and 246, 1995 were adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, 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 PRESENT: Giffin

Proposal No. 239, 1995 was retitled GENERAL ORDINANCE NO. 60, 1995 and reads as follows:

April 24, 1995

CITY-COUNTY GENERAL ORDINANCE NO. 60, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 48	Senate Blvd & Entrance to Methodist Hospital (1750 N)	None	Signal

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

Proposal No. 240, 1995 was retitled GENERAL ORDINANCE NO. 61, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 40	Oriental St & 11th St	None	None

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 40	Oriental St & 11th St	11th St	Stop

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

Proposal No. 241, 1995 was retitled GENERAL ORDINANCE NO. 62, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 3	Arsenal Av & 12th St	Arsenal Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 3	Arsenal Av & 12th St	None	All Stop

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

Proposal No. 242, 1995 was retitled GENERAL ORDINANCE NO. 63, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 2	Briarwood Dr & Sylvan Ridge Dr	Sylvan Ridge Dr	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 2	Briarwood Dr & Sylvan Ridge Dr	None	All-Way Stop

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

Proposal No. 244, 1995 was retitled GENERAL ORDINANCE NO. 64, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 1995

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

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

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

April 24, 1995

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 13	Park Av & 44th St	Park Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 13	Park Av & 44th St	None	All Stop

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

Proposal No. 245, 1995 was retitled GENERAL ORDINANCE NO. 65, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 1995

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

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

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

55 MPH
86th Street, from Lafayette Road to I-465.

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

45 MPH
86th Street, from Lafayette Road to I-465.

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

Proposal No. 246, 1995 was retitled GENERAL ORDINANCE NO. 66, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 1995

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

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

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

30 MPH
46th Street, from Raceway Road to McCurdy Road

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

35 MPH
46th Street, from Raceway Road to McCurdy Road

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

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:15 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 24th day of April, 1995.

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)