

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 20, 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 7:10 p.m. on Monday, November 20, 1995, with Councillor SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Hinkle recognized Gene Stofer, Wayne Township Trustee, and Larry Curl, Wayne Township's Fire Chief. Councillor Coughenour introduced Councillor-elect Bob Massie. Councillor-elect Bob Cockrum was also recognized.

OFFICIAL COMMUNICATIONS

Councillor Franklin, Chairman of the Public Transit Task Force, presented a report on public transportation in Indianapolis. He said that the Public Transit Task Force recommends that the Council accept the bids as presented by the Public Transportation Selection Committee to

improve, revamp, and expand Indianapolis' public bus system. It also recommends transferring \$6 million currently held in the Office of the Controller to the Department of Capital Asset Management to fund the public transportation system.

Councillor Gray stated that he does not believe the City has sufficient money for this plan. He suggested withholding a vote on this matter until the full amount can be identified. Councillor Borst said that the City hopes to cover the deficit by negotiating final offers with the recommended vendors and by increasing ridership.

Councillor Curry moved to accept the report of the Public Transit Task Force. Councillor Beadling seconded the motion, which passed by a voice vote.

The President stated that public hearings will continue on this matter. The Capital Asset Management Committee will meet on December 6, 1995 and hear further testimony.

Councillor Borst recognized Michael Smith, a consultant to the City on this project.

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

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

Ladies And Gentlemen :

You are hereby notified the 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, November 20, 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

November 6, 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:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on Wednesday, November 8, 1995, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 633, 634, 635, 636, 673, 676, 682, and 723, 1995, said hearing to be held on November 20, 1995 at 7:00 p.m., in the City-County Building.

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

November 3, 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:

FISCAL ORDINANCE NO. 106, 1995: an appropriation of \$100,000 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to pay for the digitizing of zoning maps financed by revenues from the Metropolitan Development General Fund

FISCAL ORDINANCE NO. 109, 1995: an appropriation of \$24,272 for Community Corrections to pay for five additional officers needed to staff Community Corrections Annex financed by revenues reserved for jail expansion in the County General Fund

FISCAL ORDINANCE NO. 110, 1995: an appropriation of \$1,250,000 for the Department of Public Works, Maintenance Operations Division, to fund Personal Services shortfalls financed by a transfer within the division's Maintenance Operations General Fund

FISCAL ORDINANCE NO. 111, 1995: an appropriation of \$90,000 for the Prosecuting Attorney to continue a study of alternative sentences for impaired drivers financed by a state grant

FISCAL ORDINANCE NO. 112, 1995: an appropriation of \$482,620 for the Marion County Public Defender Agency to cover unanticipated and unbudgeted expenses financed by transfers of \$7,580 within the agency's budget and by an appropriation of \$475,040 from the County General Fund balances

FISCAL ORDINANCE NO. 113, 1995: an appropriation of \$39,724 for the Marion County Public Defender Agency to continue the Pretrial Release and Sentencing Project financed by a state grant

FISCAL ORDINANCE NO. 114, 1995: an appropriation of \$186,150 for the Community Corrections Agency to pay for 30 additional beds in the agency's work release and residential facilities financed by state and federal grants

FISCAL ORDINANCE NO. 115, 1995: an appropriation of \$60,000 for the Community Corrections Agency to pay for additional home detention equipment and vehicles financed by state and federal grants

FISCAL ORDINANCE NO. 117, 1995: an appropriation of \$4,000 for the Superior Court, Criminal Division, Probation Department, to cover copying and telephone expenses financed by a transfer of funds within the department's County General Fund

FISCAL ORDINANCE NO. 118, 1995: an appropriation transferring \$20,210 within the Community Corrections Agency's County General Fund budget to reflect the proper character classification of maintenance agreements

FISCAL ORDINANCE NO. 119, 1995: an appropriation of \$2,500 for the Department of Public Safety, Weights and Measures Division, to purchase a computer financed by a transfer within the division's Consolidated County Fund

FISCAL ORDINANCE NO. 121, 1995: an appropriation transferring \$11,520 for additional and originally anticipated expenditures, including GIS equipment upgrades and replacements, for the Washington Township Assessor financed by transfers within the assessor's Property Reassessment Fund

FISCAL ORDINANCE NO. 122, 1995: an appropriation of \$99,500 for the Department of Metropolitan Development, Planning Division, to transfer a federal grant for the Naval Air Warfare Center from contractual to internally operated within the department's Metropolitan Development General Fund

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE 5, 1995: an appropriation of \$30,000 for the Department of Public Safety, Police Division, acting as a intermediary agent, to expand the Indianapolis

GENERAL ORDINANCE NO. 181, 1995: establishes the Metropolitan Emergency Communications Agency General Fund as a special, nonreverting fund

GENERAL ORDINANCE NO. 182, 1995: gives employees who are affected by the information technology outsourcing an additional opportunity to convert accrued sick leave to benefit leave and receive pay for it upon separation

GENERAL ORDINANCE NO. 184, 1995: provides for the continuation of an early retirement incentive plan for certain City employees as negotiated with AFSCME

GENERAL ORDINANCE NO. 185, 1995: clarifies that the Board of Capital Asset Management has authority over sanitary sewer construction permits

GENERAL ORDINANCE NO. 186, 1995: authorizes 55 degree parking on Washington Street on the south side from Alabama Street to Delaware Street (District 16)

GENERAL ORDINANCE NO. 187, 1995: removes the parking restrictions on the west side of Delaware Street from 28th Street to 32nd Street (District 22)

GENERAL ORDINANCE NO. 188, 1995: authorizes the Department of Capital Asset Management to permit Ogden Martin Systems to establish a steam line within the public right-of-way on Harding Street from 1000 feet south of Raymond Street to Kentucky Avenue

GENERAL ORDINANCE NO. 189, 1995 authorizes multi-way stops for Sunningdale Boulevard and Country Club Road (District 18)

GENERAL ORDINANCE NO. 190, 1995: authorizes changes in the speed limit for Keystone Avenue from I-70 to I-465 (Districts 3, 6, 7, 10, 11)

GENERAL ORDINANCE NO. 191, 1995: authorizes a traffic signal at 79th Street and Payne Road (District 1)

GENERAL ORDINANCE NO. 192, 1995: authorizes multi-way stops for the intersections located in the subdivision of Coopers Pointe Sections 1 and 2 (District 1)

GENERAL ORDINANCE NO. 193, 1995: authorizes a multi-way stop at Brookside Parkway North Drive and Olney Street (District 10)

GENERAL ORDINANCE NO. 194, 1995: authorizes a multi-way stop at 26th Street and Boulevard Place (District 22)

GENERAL ORDINANCE NO. 195, 1995: authorizes a stop sign at Talbott Street and Michigan Street (District 16)

GENERAL ORDINANCE NO. 196, 1995: authorizes a multi-way stop at Crescent Court and LaHabra Lane (District 5)

GENERAL ORDINANCE NO. 197, 1995: authorizes a multi-way stop at Buckingham Drive and Cornelius Avenue (District 6)

GENERAL ORDINANCE NO. 198, 1995: authorizes a multi-way stop at Riverview Drive and 61st Street (District 7)

GENERAL ORDINANCE NO. 199, 1995: authorizes parking restrictions on Thompson Road from State Road 37 to a point 2,000 feet west of State Road 37 (District 25)

GENERAL ORDINANCE NO. 200, 1995: authorizes no parking restrictions on Meridian Street on the west side from Merrill Street to a point 100 feet south of Merrill Street (District 16)

GENERAL ORDINANCE NO. 201, 1995: authorizes a 35 mph speed limit on Cooper Road from 88th Street to 96th Street (District 1)

SPECIAL RESOLUTION NO. 86, 1995: recognizes the Korean and Vietnam War Veterans Memorials in Indianapolis

SPECIAL RESOLUTION NO. 87, 1995: amends S.R. No. 34, 1995, by increasing the amount of the inducement resolution from \$15,000,000 to \$17,000,000 and by extending the expiration date through May 31, 1996 for Willowbrook Park, L.P. (4803 Round Lake Road - District 7)

GENERAL RESOLUTION NO. 9, 1995: amends the schedule of compensation for County employees to allow the Chief Public Defender to be paid a salary equal to 90% of the total salary of the Marion County Prosecutor

SPECIAL ORDINANCE NO. 17, 1995: amends S.O. No. 43, 1985 by authorizing the extension of the maturity date for the previously issued City of Indianapolis Economic Development Revenue Bond (Web Reality of Indianapolis, Ltd. Project) (6803 North Coffman Road - District 1)

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of October 30, 1995. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 803, 1995. The proposal, sponsored by Councillor Jimison, recognizes Reverend Dr. Andrew J. Brown. Councillor Jimison read the proposal and moved for its adoption. Councillor West seconded the motion, and it passed by unanimous voice vote.

Proposal No. 803, 1995 was retitled SPECIAL RESOLUTION NO. 91, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 91, 1995

A SPECIAL RESOLUTION recognizing Reverend Dr. Andrew J. Brown.

WHEREAS, Reverend Dr. Andrew J. Brown was born November 20, 1922, in Duncan, Mississippi, as a young man married Rose Lee Nicholson, and to their union was born Dr. Thomas L. Brown, Dr. Monica Lett and Miss Adrienne Brown; and

WHEREAS, Reverend Dr. Brown attended many institutions, including Moody Bible Institute in Chicago, Bishop College in Dallas, Butler University in Indianapolis, received his Doctor of Divinity Degree from the Christian Theological Seminary in this city and was pastor of St. John Missionary Baptist Church on Dr. Andrew J. Brown Avenue from 1947 to 1990; and

WHEREAS, he, working with Dr. Martin Luther King, Jr., provided courageous and effective leadership by organizing the Indianapolis Social Action Committee in 1955, the local affiliate chapter of the Southern Christian Leadership Conference and in implementing social action campaigns in the city and state against segregational barriers in business and government; and

WHEREAS, Reverend Dr. Brown is and has been an active community spirit serving on the boards of the Southern Christian Leadership Conference, Martin Center University, Central Theological Seminary, Indianapolis Community Service Council, as a Trustee of the Dr. Martin Luther King, Jr. Center for Social Change in Atlanta, was a founder of Indiana Black Expo, organized the first Operation Breadbasket program in our city and built the City of Refuge on 17th Street that provides Drug Church for moral and spiritual deliverance, Prison Ministry and a Love Center for the poor and needy; and

WHEREAS, he has received numerous honors including the Sagamore of the Wabash, keys to numerous cities and on November 19, 1986, was honored by having a street in our city named for him; and

WHEREAS, on this the celebration of his seventy-third birthday, Reverend Dr. Brown is being honored with a dinner sponsored by a number of Indianapolis clergy; now, therefore:

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

SECTION 1. The Indianapolis City-County Council joins in the celebration of the accomplishments and achievements of an outstanding champion of civil rights and social change, Reverend Dr. Andrew J. Brown.

SECTION 2. The Council wishes him the happiest of birthdays, and many more to come.

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. 777, 1995. The proposal, sponsored by Councillors O'Dell and Tilford, recognizes students Stephen Irons and Joseph "Joe" McIntosh. Councillor O'Dell read the proposal and presented copies of the document to the students. Messrs. Irons and McIntosh expressed their appreciation for the recognition. The students' families were also present. Councillor O'Dell moved, seconded by Councillor Tilford, for adoption. Proposal No. 777, 1995 was adopted by unanimous voice vote.

Proposal No. 777, 1995 was retitled SPECIAL RESOLUTION NO. 88, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 88, 1995

A SPECIAL RESOLUTION recognizing students Stephen Irons and Joseph "Joe" McIntosh.

WHEREAS, most of Tuesday, October 24th, was like any other school day for good friends twelve-year-old Stephen Irons and eleven-year-old Joseph "Joe" McIntosh; and

WHEREAS, after school at Our Lady of Lourdes Catholic School in Irvington Stephen was riding his bicycle to Joe's house when he saw some money along the side of the street; and

WHEREAS, the money was covered with red ink, and he and Joe decided that it must be from a bank; so the sixth graders gathered it all up and took the huge wads and loose twenties to look for a policeman; and

WHEREAS, they found an officer in Union Federal Savings Bank at 5646 East Washington Street which had earlier been robbed, but the bank was locked so they started piling the recovered cash outside the door to return it to its rightful owner; and

WHEREAS, the bank door opened quickly, they recovered their money and rewarded the boys for their honesty with savings bonds and Pacer's tickets; 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 sixth graders Stephen Irons and Joseph "Joe" McIntosh for their outstanding integrity in returning the stolen money that they found.

SECTION 2. Such an admirable display of morality is a high tribute to the boys, their parents and their teachers; and by not taking something that doesn't belong to them serves as an outstanding example of good citizenship for others to emulate.

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. 778, 1995. The proposal, sponsored by Councillors Hinkle and Giffin, recognizes the Ben Davis Cross Country Team State Champions. Councillor Golc was also at the podium. Councillor Hinkle read the proposal and presented copies of the document to the team members and coaches. Coach Scott Williams expressed his appreciation for the recognition. Councillor Hinkle moved, seconded by Councillor Giffin, for adoption. Proposal No. 778, 1995 was adopted by unanimous voice vote.

Proposal No. 778, 1995 was retitled SPECIAL RESOLUTION NO. 89, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 89, 1995

A SPECIAL RESOLUTION recognizing the Ben Davis Cross Country Team State Champions.

WHEREAS, Saturday, November 4th, was cold and dreary, but the Ben Davis High School Boys Cross Country Team members were ready for the important State Finals run at Southeastway Park in Indianapolis; and

WHEREAS, Portage, the top ranked cross country team in the state, and 19th ranked in the nation, was also at Southeastway Park; and

WHEREAS, the young men from Ben Davis in Wayne Township had "run" a long way by winning the county, sectional, regional and semi-state meets, and they were determined to give this last run their best possible effort; and

WHEREAS, during the State Finals Meet, the Ben Davis runners set a new Ben Davis record, captured several All-State awards and edged out the top seeded Portage runners 102 to 106 to capture the state crown; 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 the 1995 state champion Ben Davis High School Cross Country Team: Fasil Bizuneh, Brad Bernhardt, Derek Eaton, Dallas Scott, A. J. Rader, Tim Sweeney, Keith Crawford, Brian Garden, Dustin Nichols, Jeremiah Gallagher, Dan Craft, Dave Hmurovich, Johnny Smith, Matt Burton, K.C. Spaulding, Scott Sewell, Mike Divita and Matt Hockersmith.

SECTION 2. The Council also recognizes the team coaches: Scott T. Williams, Bill Wilham, Kevin Vanderbush, Mark Lehr, and Mark Bernhardt, the school faculty and staff, the supportive parents, and everyone else who helped with this newest chapter of the winning tradition of Ben Davis High School.

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. 779, 1995. The proposal, sponsored by Councillor Beadling, recognizes Bob Gregory's Coats for Kids Program. Councillor Beadling read the proposal and presented copies of the document to Bob Gregory, WTHR Channel 13 Television; Michael Washington, Tuchman Cleaners; Captain Amick, Salvation Army; and Mary Howard, CRE Relations--all expressed their appreciation for the recognition. Councillor Beadling moved, seconded by Councillor Coughenour, for adoption. Proposal No. 779, 1995 was adopted by unanimous voice vote.

Proposal No. 779, 1995 was retitled SPECIAL RESOLUTION NO. 90, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 90, 1995

A SPECIAL RESOLUTION recognizing Bob Gregory's Coats for Kids program.

WHEREAS, in the mid-1980's, a three part idea came together on how to get coats to needy children during our cold Northern winters; and

WHEREAS, a very special three party team was organized to help solve this community need; and

WHEREAS, Bob Gregory's Coats for Kids involves Bob Gregory of WTHR Television Channel 13 to help spread the word about the coat collection including the big annual coat drive at an Indianapolis Colts football game, Tuchman Cleaners which collects and cleans the coats at its 31 stores throughout the community, and the Salvation Army which organizes the distribution of winter outerwear at one large Distribution Day each year at the State Fairgrounds; and

WHEREAS, during the nine years that Bob Gregory's Coats for Kids has been in operation, 72,000 coats have been donated to give winter comfort for the children; and

WHEREAS, this fall, 7,000 coats were distributed at the Fairgrounds, with another 3,500 taken to children's homes around the community; 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 all those involved with the Bob Gregory's Coats for Kids charity, especially popular television personality Bob Gregory of WTHR Channel 13 Television, Tuchman Cleaners employees and President Jim Dunn, the Salvation Army, and the many Indianapolis citizens who have donated 72,000 new and used coats for needy children during the past nine years.

SECTION 2. Indianapolis is a better community in which to live because of Bob Gregory's Coats for Kids, and the many other individual and organized acts of charity and kindness generously displayed by its citizens and businesses.

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. 780, 1995. The proposal, sponsored by Councillor SerVaas, approves a schedule of regular council meetings for the year 1996. Councillor Short moved, seconded by Councillor Borst, to amend Proposal No. 780, 1995 by moving the January 2nd meeting to January 8. This motion passed by unanimous voice vote. Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal No. 780, 1995, as amended, was adopted by unanimous voice vote.

Proposal No. 780, 1995, as amended, was retitled COUNCIL RESOLUTION NO. 72, 1995, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 1995

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1996.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 1996:

- | | | | |
|------|---------------------------|------|----------------------------|
| (1) | Monday, January 08, 1996 | (11) | Monday, July 22, 1996 |
| (2) | Monday, January 22, 1996 | (12) | Monday, August 05, 1996 |
| (3) | Monday, February 12, 1996 | (13) | Monday, August 19, 1996 |
| (4) | Monday, February 26, 1996 | (14) | Monday, September 09, 1996 |
| (5) | Monday, March 18, 1996 | (15) | Monday, September 30, 1996 |
| (6) | Monday, April 08, 1996 | (16) | Monday, October 14, 1996 |
| (7) | Monday, April 29, 1996 | (17) | Monday, October 28, 1996 |
| (8) | Monday, May 20, 1996 | (18) | Monday, November 11, 1996 |
| (9) | Monday, June 10, 1996 | (19) | Monday, November 25, 1996 |
| (10) | Monday, June 24, 1996 | (20) | Monday, December 16, 1996 |

PROPOSAL NO. 713, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 713, 1995 on November 14, 1995. The proposal, sponsored by Councillor McClamroch, selects Marvin Hawkins as its appointment to committees established to determine common construction wages in Marion County. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor McClamroch, for adoption.

Councillor Golc said that he believes that until there is a decision rendered by the court in the prevailing wage laws in litigation in Lake County, the adoption of Proposal No. 713, 1995 might be counter-productive at this time. Robert G. Elrod, General Counsel, stated that currently there is no order in effect that is applicable to Marion County concerning this matter.

Proposal No. 713, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 713, 1995 was retitled COUNCIL RESOLUTION NO. 73, 1995, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION 73, 1995

WHEREAS, IC 5-16-7-1 (as amended by P.L. 81-1995) provides for the determination of the "common construction wage" to be paid for labor on certain construction projects of certain governmental agencies; and

WHEREAS, such law requires those governmental agencies, prior to advertising for such construction, to set up a committee to make such wage determinations; and

WHEREAS, one of the five members of each such committee set up in Marion County is to be appointed by the City-County Council; and

WHEREAS, the Council wishes to avoid acting on a new appointment each time another such committee is established in Marion County; now, therefore:

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

SECTION 1. The council selects Marvin Hawkins as its appointment to committees established to determine common construction wages in Marion County. Such appointment to be for each committee set up for a project the funding source for which is a tax paid by such appointee.

SECTION 2. The President of the Council is authorized to certify the foregoing person as the Council appointment to the committee to determine the common construction wage established by any governmental agency with respect to a project located in Marion County if such person is a qualified taxpayer with respect to the project for which the committee is established.

SECTION 3. The foregoing appointment is at the pleasure of the Council or until December 31, 1996, and until each such committee to which such person is appointed has completed its statutory duties.

PROPOSAL NO. 718, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 718, 1995 on November 15, 1995. The proposal, sponsored by Councillor McClamroch, reappoints Donald R. Hudson to the Indianapolis-Marion County

Building Authority Board of Trustees. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor McClamroch, for adoption. Proposal No. 718, 1995 was adopted by unanimous voice vote.

Proposal No. 718, 1995 was retitled COUNCIL RESOLUTION NO. 74, 1995, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 1995

A COUNCIL RESOLUTION reappointing Donald R. Hudson to the Indianapolis-Marion County Building Authority Board of Trustees.

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 Indianapolis-Marion County Building Authority Board of Trustees, the Council appoints:

Donald R. Hudson

SECTION 2. The appointment made by this resolution is for a term ending June 3, 1999. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 726, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 726, 1995 on November 8, 1995. The proposal, sponsored by Councillors McClamroch and Moriarty Adams, appoints David McClure to the Animal Control Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor McClamroch, for adoption. Proposal No. 726, 1995 was adopted by unanimous voice vote.

Proposal No. 726, 1995 was retitled COUNCIL RESOLUTION NO. 75, 1995, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 1995

A COUNCIL RESOLUTION appointing David McClure to the Animal Control Board.

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

SECTION I. As a member of the Animal Control Board, the Council appoints:

David McClure

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 750, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Special Districts Zoning

Ordinance in order to comply with the State's "Development Plan Law" (95-AO-12)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 751, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Wellfield Protection Zoning Ordinance to conform with the state law regarding the appointment of a hearing officer in lieu of a board of zoning appeals (95-AO-13A)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 752, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Wellfield Protection Zoning Ordinance by extending the expiration date from July 1, 1996 to December 31, 1996 (95-AO-13B)"; and the President referred it to the Metropolitan Development Committee.

Councillor West moved to suspend the rules and hear Proposal Nos. 750, 751, and 752, 1995 at this meeting. The President ruled that the proposals would be heard during the Final Adoption section.

PROPOSAL NO. 753, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes tax anticipation borrowing for the City during the period from January 1, 1996 through December 31, 1996"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 754, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes tax anticipation borrowing for the County General Fund, the County Family and Children Fund, and the County Welfare General Fund during the period from January 1, 1996 through December 31, 1996"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 755, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$150,000 for the County Sheriff to pay the increased food expense due to a larger inmate population financed by transfers of other appropriations within the department's County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 756, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$14,192 to continue the Salvation Army's Domestic Violence Program through the Prosecuting Attorney financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 757, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$38,300 for the Prosecutor's Child Support IV-D Agency to cover contractual consultant expense financed by transfers of appropriations within the agency's County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 758, 1995. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$900 for the Superior Court, Criminal Division, Room Four, to pay for maintenance agreement, postage, and electrical

work expenses financed by a transfer within the court's County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 759, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which corrects Fiscal Ordinance No. 177, 1995 for the Superior Court, Criminal Division, Probation Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 760, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$31,252 for the Superior Court, Juvenile Division/Detention Center, to provide legal assistance for children through Child Advocates, Inc. financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 761, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$49,967 for the Superior Court, Juvenile Division/Detention Center, to fund Partners for Youth financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 762, 1995. Introduced by Councillor Dowden, Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$68,425 for the Superior Court, Juvenile Division/Detention Center, to fund the Southside Youth Council/Teen Court Program financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 763, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$25,536 for the Court Administrator Agency to continue the Visiting Nurse Service as part of the Family Connection Center Program financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 764, 1995. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves an information technology operating agreement between the City/County and the SCT Software and Resource Management Corporation"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 765, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Crittenden Avenue and 61st Street (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 766, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Rural Street and 72nd Street (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 767, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Tacoma Avenue and 72nd Street (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 768, 1995. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at North Street and Oakland Avenue (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 769, 1995. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at North Street and Parker Avenue (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 770, 1995. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Shortridge Road and 13th Street (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 775, 1995. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which is an inducement resolution for The Malachi Corporation, Inc., in an amount not to exceed \$6,500,000 to proceed with the acquisition, renovation and equipping of the four existing nursing homes located at 1747 North Rural Street, 901 North East Street, 1118 East 46th Street, and 1910 North Delaware Street (Districts 6, 22)"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 776, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the disbursement of \$731,949 from the Drug Free Community Fund for various county agencies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 781, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which corrects Fiscal Ordinance No. 100, 1995 for the Prosecuting Attorney and the County Auditor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 782, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$6,000,000 for the Department of Capital Asset Management for public transportation initiatives financed by a transfer of appropriations from the Office of the Controller's State Grants Fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 783, 1995. Introduced by Councillors Giffin, Rhodes, Black, and Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides for healthcare benefits for qualified former employees"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 784, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Comprehensive Zoning Maps of Marion County by updating base maps #7, #8, #10, and #15"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 802, 1995. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves extension of cable franchise of

American Cablevision of Indianapolis until June 1, 1996"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 771, 772, 773, and 774, 1995 on November 16, 1995. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

PROPOSAL NO. 771, 1995. The proposal amends S.R. No. 78, 1994, as amended, by extending the expiration date for Post Pointe Partners, Ltd., through June 30, 1996 at 9027 East 39th Place (District 14). Councillor Borst moved, seconded by Councillor Jimison, for adoption. Proposal No. 771, 1995 was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Short, Smith, Tilford, West

0 NAYS:

4 NOT VOTING: Boyd, Franklin, Jimison, Williams

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 771, 1995 was retitled SPECIAL RESOLUTION NO. 92, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 92, 1995

A SPECIAL RESOLUTION amending City-County Special Resolution No. 78, 1994, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 78, 1994, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Post Pointe Partners, Ltd. (the "Company") which Inducement Resolution set an expiration date of November 30, 1995 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of November 30, 1995, contained therein and replacing said date with the date of June 30, 1996.

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

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

PROPOSAL NO. 772, 1995. The proposal authorizes the execution of an Assignment and Assumption of Loan Agreement and other related documents concerning the previously issued \$2 million City of Indianapolis Health Care Facility Revenue Bond, Series A (Castleton Nursing Home Project) at 7630 East 86th Street (District 4). Councillor Borst moved, seconded by Councillor Dowden, for adoption. Proposal No. 772, 1995 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Borst, Boyd, Curry, Dowden, Giffin, Gilmer, Golc, Hinkle, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West

1 NAY: Coughenour

8 NOT VOTING: Black, Brents, Franklin, Gray, Jimison, Jones, Short, Williams

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 772, 1995 was retitled SPECIAL ORDINANCE NO. 18, 1995, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 18, 1995

A SPECIAL ORDINANCE approving the execution of an Assignment and Assumption of Loan Agreement and Other Related Documents relating to the previously issued City of Indianapolis, Indiana Health Care Facility Revenue Bond, Series A (Castleton Nursing Home Project) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 (the "Act"), has been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing of economic development facilities and refunding of such financings constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may pursuant to the Act issue revenue bonds and lend the proceeds thereof to a corporation for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") has previously issued its \$2,000,000 Health Care Facility Revenue Bond, Series A (Castleton Nursing Home Project) (the "Bond") pursuant to that certain Assignment (the "Assignment"), dated as of May 1, 1993, from the Issuer to National Healthcorp L.P., a limited partnership duly organized and existing under the laws of the State of Delaware (the "Lender"),

WHEREAS, the Issuer issued the Bond to refinance certain indebtedness incurred in connection with the acquisition of a certain nursing home located within the City of Indianapolis, Indiana, as more particularly described in the Assignment (the "Project"), including necessary expenses incidental to the issuance of the Bond;

WHEREAS, the Bond was issued on May 26, 1993;

WHEREAS, American Health Corporation (formerly American Health Care-Castleton, Inc.), a not-for-profit corporation organized and existing under the laws of the State of Tennessee (the "Assignor") desires to assign all of its right, title and interest in and to that certain Loan Agreement (the "Loan Agreement"), dated as of May 1, 1993, by and between the Issuer, as lender, and the Assignor, as borrower, and other related documents to American Health Care, Inc., a not-for-profit corporation organized and existing under the laws of the State of Tennessee (the "Assignee") and Assignee has agreed to assume all of the Assignor's obligations under the Loan Agreement and other related documents;

WHEREAS, the Indianapolis Economic Development Commission on November 15, 1995 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the Assignment and Assumption of Loan Agreement and Other Related Documents (the "Assignment and Assumption Agreement") in the form presented at that meeting complies with the purposes and provisions of the Act and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the Assignment and Assumption Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; NOW, THEREFORE:

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

SECTION 1. It is hereby found that the execution of the Assignment and Assumption Agreement will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the Assignment and Assumption Agreement approved by the Indianapolis Economic Development Commission is hereby approved and shall be kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the Assignment and Assumption Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the Assignment and Assumption Agreement approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the Assignment and Assumption Agreement approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 4. The provisions of this ordinance, the Assignment and Assumption Agreement shall constitute a contract binding between the City of Indianapolis and the parties to the Assignment and Assumption Agreement and after the execution of the Assignment and Assumption Agreement, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Assignment and Assumption Agreement shall remain in effect.

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

PROPOSAL NO. 773, 1995. The proposal authorizes the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$5 million for Pleasant Run Children's Homes, Inc. at 2400 North Tibbs Avenue (District 16). Councillor Borst moved, seconded by Councillor Brents, for adoption. Proposal No. 773, 1995 was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West

0 NAYS:

4 NOT VOTING: Franklin, Jimison, Short, Williams

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 773, 1995 was retitled SPECIAL ORDINANCE NO. 19, 1995, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 19, 1995

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1995 (Pleasant Run Children's Homes, Inc. Project), in the aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) (the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Pleasant Run Children's Homes, Inc. (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, renovation and equipping of the existing Noble Centers facility located at 2400 North Tibbs Avenue, Indianapolis, Indiana (located on land which is currently being leased from Marion County, Indiana by the Noble Centers and which will be leased from Marion County, Indiana by the Company) which will be owned and operated by the Company to provide residential treatment services for children ages 6-18 years and to provide office space for home-based counseling, therapeutic foster care, residential group homes and wrap-around services; 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"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, construction, renovation, installation and equipping of the Project by issuing its City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1995 (Pleasant Run Children's Homes, Inc. Project), in the aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 15, 1995 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of November 1, 1995 by and between the Issuer and Fifth Third Bank of Central Indiana, as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of November 1, 1995, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, Indenture, Bond Placement Agreement among the Issuer, Company and NatCity Investments, Inc. (the "Placement Agent"), Preliminary Private Placement Memorandum, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Private Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Private Placement Memorandum is hereby authorized to certify to the Placement Agent that the information in the Preliminary Private Placement Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Private Placement Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest determined as set forth in the Indenture. The use of a Final Private Placement Memorandum substantially the same form as the Preliminary Private Placement Memorandum approved herein is approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the

Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 774, 1995. The proposal is an inducement resolution for Crossing Partners, L.P., in an amount not to exceed \$7,700,000 to proceed with the acquisition, renovation and equipping of the existing 240 unit multi-family residential rental facility located at 4000 North Franklin Road (District 12). Councillor Borst moved, seconded by Councillor Tilford, for adoption. Proposal No. 774, 1995 was adopted on the following roll call vote; viz:

22 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Gray, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West

0 NAYS:

5 NOT VOTING: Franklin, Hinkle, Jimison, Short, Williams

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 774, 1995 was retitled SPECIAL RESOLUTION NO. 93, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 93, 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, Crossing Partners L.P., an 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 two hundred forty (240) unit multi-family residential facility located at 4000 North Franklin Road, Indianapolis, Indiana on approximately 18 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 (six (6) 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 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 Project and the Indiana Housing Finance Authority;

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 Seven Million Seven Hundred Thousand Dollars (\$7,700,000) 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 June 30, 1996, 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, 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 (T 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.

PROPOSAL NO. 785, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on

November 10, 1995." The Council did not schedule Proposal No. 785, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 785, 1995 was retitled REZONING ORDINANCE NO. 177, 1995 and is identified as follows:

REZONING ORDINANCE NO. 177, 1995. 94-Z-91
8444 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.
LOWE'S HOME CENTERS, INC., by Thomas Michael Quinn, requests the rezoning of 1.092 acres, being in the C-1 District, to the C-S classification to provide for expansion of a hardware store previously approved by petition 93-Z-88A.

PROPOSAL NOS. 786-793, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 2, 1995." The Council did not schedule Proposal Nos. 786-793, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 786-793, 1995 were retitled REZONING ORDINANCE NOS. 178-185, 1995 and are identified as follows:

REZONING ORDINANCE NO. 178, 1995. 95-Z-85 (95-DP-4)
8611 NORTH HAVERSTICK ROAD (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.
PRINCE ALEXANDER ARCHITECTS, INC., by Michael D. Keele, requests the rezoning of 2.107 acres, being in the D-A District, to the D-P classification to provide for a multi-family residential planned unit development, consisting of 14 units in a total of 7 residential buildings.

REZONING ORDINANCE NO. 179, 1995. 95-Z-135
8610 CAMBY ROAD (approximate address), INDIANAPOLIS.
DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19.
CAMBY COMMUNITY CHURCH requests the rezoning of 2.21 acres, being in the D-3 District, to the SU-1 classification to provide for religious use.

REZONING ORDINANCE NO. 180, 1995. 95-Z-151
2558 EAST 55TH PLACE (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7.
BERTO and ELIDE BERNARDON, by William F. LeMond, request the rezoning of 0.50 acre, being in the I-1-U District, to the I-2-U classification to provide for construction of a warehouse building in the rear of the property.

REZONING ORDINANCE NO. 181, 1995. 95-Z-152
9202 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19.
JACK KESLER, by Michael D. Keele, requests the rezoning of 0.84 acre, being in the C-3 District, to the C-7 classification to provide for mobile home sales and other permitted uses.

REZONING ORDINANCE NO. 182, 1995. 95-Z-154
10601 PENDLETON PIKE (approximate address), LAWRENCE.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5.
MICHAEL A. RICE, D.D.S. and MARY K. RICE, by J. Murray Clark, requests the rezoning of 1.25 acres, being in the D-A District, to the C-4 classification to provide for commercial uses.

REZONING ORDINANCE NO. 183, 1995. 95-Z-169
8215 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18.
MERRILL ROBERTS, by Mitch Sever, requests the rezoning of 3.8 acres, being in the D-3 District, to the C-7 classification to provide for the placement of a commercial building and mini-warehousing.

REZONING ORDINANCE NO. 184, 1995. 95-Z-175
1007 WEST 30TH STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9.
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests the rezoning of 0.114 acre, being in the C-3 District, to the D-5 classification to provide for infill residential housing.

REZONING ORDINANCE NO. 185, 1995. 95-Z-177
1281 EAST TROY AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.
DAWN M. BREEDLOVE requests the rezoning of 0.129 acre, being in the C-1 District, to the D-5 classification to provide for an existing single-family residence.

PROPOSAL NOS. 794-801, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 16, 1995." The Council did not schedule Proposal Nos. 794-801, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 794-801, 1995 were retitled REZONING ORDINANCE NOS. 186-193, 1995 and are identified as follows:

REZONING ORDINANCE NO. 186, 1995. 95-Z-145
402 NORTH HIGH SCHOOL ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18.
WAYNE TOWNSHIP, MARION COUNTY, INDIANA, requests the rezoning of 33.789 acres, being in the D-6II District, to the SU-9 classification to provide for fire training facilities.

REZONING ORDINANCE NO. 187, 1995. 95-Z-147
7216 HAGUE ROAD (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4.
C.P. MORGAN COMMUNITIES, L.P., by Brian J. Tuohy, requests the rezoning of 13.861 acres, being in the D-6II, PK-1, and SU-1 Districts, to the D-5II classification to provide for residential development.

REZONING ORDINANCE NO. 188, 1995. 95-Z-155
1337-1355 SOUTH MERIDIAN STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25.
JAMES A. BRIGHTWELL, by Randal S. Anderson, requests the rezoning of 0.835 acre, being in the C-1, C-3 and D-8 Districts, to the C-4 classification to provide for off-street parking and limited other C-4 uses.

REZONING ORDINANCE NO. 189, 1995. 95-Z-163
5206 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17.
AMERITECH NEW MEDIA ENTERPRISES, INC., by John J. Riley, requests the rezoning of 13.63 acres, being in the D-A and C-5 Districts, to the SU-35 classification to provide for construction of a 100 by 148 foot equipment/administration building, 9 to 12 satellite dishes ranging from 12 to 15 feet in diameter and a 100 foot tall monopole antenna structure.

REZONING ORDINANCE NO. 190, 1995. 95-Z-181
6520 EAST 82ND STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4.
EAST 82ND STREET ASSOCIATES, LIMITED PARTNERSHIP requests the rezoning of 1.36 acres, being in the C-1 District, to the C-3 classification to provide for retail and office uses.

REZONING ORDINANCE NO. 191, 1995. 95-Z-182
419 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.
LUCIA M. SPEARS requests the rezoning of 0.06 acre, being in the I-3-U(RC) District, to the D-8(RC) classification to provide for the construction of a garage associated with the residential use.

REZONING ORDINANCE NO. 192, 1995. 95-Z-183
5728 SOUTH EMERSON AVENUE(rear) (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.
JOSEPH B. and MARY ANN HUSER, by Michael J. Kias, request the rezoning of 0.407 acre, being in the D-A District, to the D-3 classification to provide for single-family residential use.

REZONING ORDINANCE NO. 193, 1995. 95-Z-185
6021-6029 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

KEITH F. MARSH, by William F. LeMond, requests the rezoning of 0.937 acre, being in the D-A District, to the C-3 classification to provide for construction of a retail sales and service center.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 616, 1995. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 616, 1995 on October 12, 1995. The proposal is an appropriation of \$72,000 for the Department of Parks and Recreation, Golf Division, to pay for security fencing around the perimeter of the Coffin Golf Course financed by revenues from the Park General/Golf Fund. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin stated that on October 30 this proposal was postponed in Council until this meeting at Councillor O'Dell's request. Councillor O'Dell stated that he wanted to determine that this was the best use of this money.

The President called for public testimony at 8:32 p.m. There being no one present to testify, Councillor Giffin moved, seconded by Councillor O'Dell, for adoption. Proposal No. 616, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 616, 1995 was retitled FISCAL ORDINANCE NO. 123, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Seventy-two Thousand Dollars (\$72,000) 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 The Department of Parks and Recreation to provide security fencing around the perimeter of the Coffin Golf Course.

SECTION 2. The sum of Seventy-two Thousand Dollars (\$72,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL/GOLF FUND</u>
<u>GOLF DIVISION</u>	
4. Capital Outlay	<u>72,000</u>
TOTAL INCREASE	72,000

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

PARK GENERAL/GOLF FUND

Unappropriated and Unencumbered	
Park General/ Golf Fund	72,000
TOTAL REDUCTION	72,000

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

Councillor Curry asked for consent to discuss Proposal Nos. 633, 634, 635, and 636, 1995 together and vote on them separately. Consent was given. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal Nos. 633, 634, 635, and 636, 1995 on November 14, 1995. PROPOSAL NO. 633, 1995. The proposal approves the issuance of Redevelopment District General Obligation Bonds not to exceed \$3,040,000. PROPOSAL NO. 634, 1995. The proposal approves the issuance of Flood Control District General Obligation Bonds not to exceed \$2,060,000. PROPOSAL NO. 635, 1995. The proposal approves the issuance of Sanitary District General Obligations Bonds not to exceed \$5,875,000. PROPOSAL NO. 636, 1995. The proposal approves the issuance of Sanitary District Refunding Bonds not to exceed \$33,500,000. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor McClamroch, for adoption. Proposal No. 633, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 633, 1995 was retitled GENERAL RESOLUTION NO. 10, 1995, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 1995

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Redevelopment District Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Three Million Forty Thousand Dollars (\$3,040,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Ten Million Four Hundred Ninety Thousand Dollars (\$10,490,000).

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "Redevelopment District"), intends to disburse funds to pay for the projects of property acquisition and redevelopment in certain blighted, economic development, urban renewal or other deteriorating or deteriorated areas in the Redevelopment District as specified in Exhibit A, attached hereto (the "Projects"); and

WHEREAS, on November 18, 1992, the Commission adopted a preliminary bond resolution (the "Preliminary Bond Resolution") authorizing the issuance of special taxing district bonds of the Redevelopment District to be issued in one or more series, in an original aggregate amount not to exceed Twenty-two Million Seven Hundred Ten Thousand Dollars (\$22,710,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed One Hundred Two Million One Hundred Ninety-five Thousand Dollars (\$102,195,000), for the purpose of procuring funds to apply to the costs of the Projects; and

November 20, 1995

WHEREAS, pursuant to a resolution adopted by the Commission on January 20, 1993, and a resolution adopted by the City-County Council on February 8, 1993, the City of Indianapolis, Indiana, Redevelopment District Bonds of 1993, Series A (the "1993 Bonds") were issued in the original aggregate principal amount of Nineteen Million Six Hundred Sixty-seven Thousand Seven Hundred Forty-three and 35/100 Dollars (\$19,667,743.35), all of which were Capital Appreciation Bonds with a final maturity amount of Forty-nine Million Eight Hundred Thirty Thousand Dollars (\$49,830,000), to finance a portion of the Projects; and

WHEREAS, on September 6, 1995, in accordance with the authorization provided in the Preliminary Bond Resolution, the Commission adopted a final bond resolution authorizing the issuance of special taxing district bonds of the Redevelopment District to be designated as "City of Indianapolis, Indiana, Redevelopment District Bonds of 1995, Series A," in the original aggregate principal amount not to exceed Three Million Forty Thousand Dollars (\$3,040,000), with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Ten Million Four Hundred Ninety Thousand Dollars (\$10,490,000), for the purpose of procuring funds to apply to the costs of the Projects that were not paid for out of the proceeds of the 1993 Bonds; and

WHEREAS, the Commission has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve the issuance of special taxing district bonds of the Redevelopment District, to be designated as "City of Indianapolis, Indiana, Redevelopment District Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Three Million Forty Thousand Dollars (\$3,040,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Ten Million Four Hundred Ninety Thousand Dollars (\$10,490,000).

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

EXHIBIT A

THE METROPOLITAN DEVELOPMENT COMMISSION
ACTING AS THE REDEVELOPMENT COMMISSION
OF THE CITY OF INDIANAPOLIS, INDIANA

1. Installation of new streets, sewers, curbs and street lights in the Martindale-Brightwood neighborhood in Center Township;
2. Land acquisition and infrastructure improvements in the Haughville, Martindale and Brightwood neighborhoods in Center and Wayne Townships;
3. Acquisition of real estate and provision of economic development and housing sites and infrastructure in the Consolidated Redevelopment Project Area or other redevelopment or economic development areas designated or to be designated within the Redevelopment District, including but not limited to areas along the Interstate 70 corridor;
4. Infrastructure improvements in the area bounded by Fall Creek Parkway, Park Avenue, New Jersey Street and 23rd Street in Center Township;
5. Upgrading of the infrastructure and providing of additional services to increase affordable and safe housing in the Haughville neighborhood in Center and Wayne Townships;
6. Testing and mitigation of contamination and rehabilitation of existing homes in the area of 1701 - 1799 Perkins Avenue in Center Township;

together with the expenses in connection with or on account of the issuance of bonds therefor.

Proposal No. 634, 1995 was adopted on the following roll call vote; viz:

18 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, SerVaas, Shambaugh, Smith, Tilford, West

0 NAYS:

9 NOT VOTING: Beadling, Golc, Gray, Jimison, Jones, Mullin, Rhodes, Short, Williams

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 634, 1995 was retitled GENERAL RESOLUTION NO. 11, 1995, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 1995

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Flood Control District Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Two Million Sixty Thousand Dollars (\$2,060,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Seven Million One Hundred Five Thousand Dollars (\$7,105,000).

WHEREAS, on November 2, 1992, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Flood Control District of the City of Indianapolis, Indiana (the "Flood Control District"), adopted a Declaratory Resolution declaring that it is necessary for the general welfare, safety and security of the Flood Control District and will be of public utility and benefit to undertake the projects specified in Exhibit A, attached hereto (the "Projects"), at an estimated total cost not to exceed Thirty-eight Million Six Hundred Eighty Thousand Dollars (\$38,680,000), including all expenses necessary and incidental thereto and including all expenses in connection with or on account of issuance of bonds therefor; and

WHEREAS, on November 16, 1992, after notice and a public hearing thereon, the Board confirmed the Declaratory Resolution by the adoption of a Confirmatory Resolution; and

WHEREAS, on November 16, 1992, the Board adopted a preliminary bond resolution (the "Preliminary Bond Resolution") authorizing the issuance of special taxing district bonds of the Flood Control District to be issued in one or more series, in an original aggregate amount not to exceed Thirty-eight Million Six Hundred Eighty Thousand Dollars (\$38,680,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed One Hundred Seventy-four Million Sixty Thousand Dollars (\$174,060,000), for the purpose of procuring funds to apply to the costs of the Projects; and

WHEREAS, pursuant to a resolution adopted by the Board on January 19, 1993, and a resolution adopted by the City-County Council on February 8, 1993, the City of Indianapolis, Indiana, Flood Control District Bonds of 1993, Series A (the "1993 Bonds") were issued in the original aggregate principal amount of Eleven Million Nine Hundred Forty Thousand Dollars (\$11,940,000); and

WHEREAS, on September 5, 1995, in accordance with the authorization provided in the Preliminary Bond Resolution, the Board adopted a final bond resolution authorizing the issuance of special taxing district bonds of the Flood Control District to be designated as "City of Indianapolis, Indiana, Flood Control District Bonds of 1995, Series A," in the original aggregate principal not to exceed Two Million Sixty Thousand Dollars (\$2,060,000), with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Seven Million One Hundred Five Thousand Dollars (\$7,105,000), for the purpose of procuring funds to apply to the costs of the Projects that were not paid for out of the proceeds of the 1993 Bonds; and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve the issuance of special taxing district bonds of the Flood Control District, to be designated as "City of Indianapolis, Indiana, Flood Control District Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Two Million Sixty Thousand Dollars (\$2,060,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Seven Million One Hundred Five Thousand Dollars (\$7,105,000).

November 20, 1995

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

EXHIBIT A

THE BOARD OF PUBLIC WORKS OF
THE CITY OF INDIANAPOLIS, INDIANA
(Flood Control District)

1. Channel Improvements to Provide Drainage and Flood Control Improvements at the Following Locations:
 - A. Crooked Creek from 3800 to 9600 Michigan Road in Washington and Pike Townships;
 - B. Lick Creek from 10th Street to I-70 in Warren Township;
 - C. Howard Johnson Ditch from 7200 to 8200 Ditch Road in Washington Township;
 - D. Williams Creek Cutoff from 6800 North to 7300 North Westfield Boulevard in Washington Township;
 - E. Buffalo Creek from Shelby Street to Meridian Street in Perry Township;
 - F. Churchman Legal Drain from Emerson Avenue to Arlington Avenue in Perry Township;
 - G. Little Buck Creek from White River to I-65 in Perry Township;
 - H. Guion Creek (3800 North to 5600 North) in Pike Township;
 - I. Pogues Run from Arlington Avenue to I-465 in Lawrence Township;
 - J. Topp Creek and Farley Creek at 10th Street and Girls School Road in Wayne Township; and
 - K. Pleasant Run Parkway South from Sherman Drive to South County Line Road in Perry Township;
2. Reconstruction of the Channel in Eagle Creek at Raymond Street to 21st Street in Wayne Township;
3. Improvements to Drainage System and Channel of Eagle Creek/Neeld Ditch from 500 South Mickley Avenue to Eagle Creek in Wayne Township;
4. Improvements to Channel and Stabilization of Bank at the Following Locations:
 - A. Williams Creek from Springmill Road to Meridian Street in Washington Township; and
 - B. Holly Creek in the area of College Avenue at College Lane (8200 North) in Washington Township;
5. Rehabilitation and Renovation of Levee at the Following Locations:
 - A. Warfleigh Levee at White River from College Avenue to 58th Street in Washington Township; and
 - B. Rocky Ripple Levee at White River (4500 North to 5500 North) in Washington Township;
6. Improvements to Drainage Facilities for Watershed Master Plan throughout the Flood Control District;
7. Phase II Channel and Levee Improvements to the Grassy Creek Channel from 21st Street to Washington Street in Warren Township;
8. Construction of Flood Control Measures to Provide Drainage and Flood Control Improvements at the Following Locations:
 - A. Five Points Road and Troy Avenue in Franklin Township;
 - B. Southeastern Avenue, Sloan Avenue, Calhoun Street and Temperance Avenue in Center Township;
 - C. New Augusta Road at 71st Street and Georgetown Road in Pike Township; and
 - D. 39th Street and Irvington Avenue in Lawrence Township; and
9. Improvements to Storm Sewer and Channel of Eagle Creek/Mickley Run at I-465 and Lynhurst Drive in Wayne Township;

together with the expenses in connection with or on account of the issuance of bonds therefor.

Proposal No. 635, 1995 was adopted on the following roll call vote; viz:

20 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, McClamroch, Mullin, O'Dell, SerVaas, Shambaugh, Smith, Tilford, West

0 NAYS:

7 NOT VOTING: *Beadling, Gray, Jimison, Jones, Rhodes, Short, Williams*

2 ABSENT: *Moriarty Adams, Schneider*

Proposal No. 635, 1995 was retitled GENERAL RESOLUTION NO. 12, 1995, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 1995

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Sanitary District Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Five Million Eight Hundred Seventy-five Thousand Dollars (\$5,875,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Twenty Million Two Hundred Sixty Thousand Dollars (\$20,260,000).

WHEREAS, on November 2, 1992, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Sanitary District of the City of Indianapolis, Indiana (the "Sanitary District"), adopted the Declaratory Resolution declaring that it is necessary for the public health and welfare of the persons residing within the Sanitary District, and will be of public utility and benefit to undertake the projects specified in Exhibit A, attached hereto (the "Projects"), at an estimated total cost not to exceed One Hundred Twenty-four Million Two Hundred Thousand Dollars (\$124,200,000), including all expenses necessary and incidental thereto and including all expenses in connection with or on account of the issuance of bonds therefor; and

WHEREAS, on November 16, 1992, after notice and a public hearing thereon, the Board confirmed the Declaratory Resolution by the adoption of a Confirmatory Resolution; and

WHEREAS, on November 16, 1992, the Board adopted a preliminary bond resolution (the "Preliminary Bond Resolution") authorizing the issuance of special taxing district bonds of the Sanitary District to be issued in one or more series, in an original aggregate amount not to exceed One Hundred Twenty-four Million Two Hundred Thousand Dollars (\$124,200,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Five Hundred Forty-nine Million Nine Hundred Thousand Dollars (\$549,900,000), for the purpose of procuring funds to apply to the costs of the Projects; and

WHEREAS, pursuant to a resolution adopted by the Board on January 19, 1993, and a resolution adopted by the City-County Council on February 8, 1993, the City of Indianapolis, Indiana, Sanitary District Bonds of 1993, Series A (the "1993 Bonds") were issued in an original aggregate principal amount of Sixty-four Million One Hundred Twenty-five Thousand Dollars (\$64,125,000), to finance a portion of the Projects; and

WHEREAS, on September 5, 1995, in accordance with the authorization provided in the Preliminary Bond Resolution, the Board adopted a final bond resolution authorizing the issuance of special taxing district bonds of the Sanitary District to be designated as "City of Indianapolis, Indiana, Sanitary District Bonds of 1995, Series A," in the original aggregate principal amount not to exceed Five Million Eight Hundred Seventy-five Thousand Dollars (\$5,875,000), with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Twenty Million Two Hundred Sixty Thousand Dollars (\$20,260,000), for the purpose of procuring funds to apply to the costs of the Projects that were not paid for out of the proceeds of the 1993 Bonds; and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve the issuance of special taxing district bonds of the Sanitary District, to be designated as "City of Indianapolis, Indiana, Sanitary District Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Five Million Eight Hundred Seventy-five Thousand Dollars (\$5,875,000) and with an aggregate final maturity amount for any Capital Appreciation Bonds not to exceed Twenty Million Two Hundred Sixty Thousand Dollars (\$20,260,000).

November 20, 1995

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

EXHIBIT A

THE BOARD OF PUBLIC WORKS
OF THE CITY OF INDIANAPOLIS, INDIANA
(Sanitary District)

1. Sanitary and Flood Improvements to Reduce Flooding and Sewer Problems in the Following Locations:
 - A. Fountain Square Neighborhood;
 - B. Haughville Neighborhood;
 - C. Martindale-Brightwood Neighborhood;
 - D. UNWA-Riverside Neighborhood;
 - E. Near Eastside Neighborhood; and
 - F. Near Northside Neighborhood;

2. 2700 South Belmont Avenue Facility in Center Township:
 - A. Renovate and make structural repairs to buildings at the facility;
 - B. Rehabilitate the White River Levee (Phase 3);
 - C. Study sludge disposal options due to facility reaching incineration capacity;
 - D. Install sludge cake pumps and replace conveyors to reduce maintenance at the facility;
 - E. Install new ventilation system at the facility;
 - F. Make roof repairs to various buildings at the facility;
 - G. Renovate ash lagoons A, B and C for on-site disposal at the facility;
 - H. Dispose of sludge from the lagoons allowing on-site ash disposal at the facility;
 - I. Install hydrocarbon and opacity meters to improve incinerator operation and decrease amount of air pollution at the facility;
 - J. Install scrubbers for air compressors at the facility;
 - K. Replace and renovate air compressors at the facility;
 - L. Replace electrical substation at the facility;
 - M. Install sprinkler systems in various buildings at the facility;
 - N. Replace and renovate the HVAC system at the facility;
 - O. Make road repairs and improvements at the facility;
 - P. Replace belt filter presses at the facility;
 - Q. Replace ozone generators as an alternative disinfection system at the facility;
 - R. Construct sludge incinerator ash monofill for long-term ash storage at the facility;
 - S. Install scrubbers for incinerators at the facility;
 - T. Close ash filled activator at the facility;
 - U. Install generators as an alternative standby electrical energy source;
 - V. Replace main control system for the wastewater treatment plant; and
 - W. Replace screw pumps at the facility;

3. 3800 West Southport Road in Perry Township:
 - A. Renovate and make structural repairs to buildings at the facility;
 - B. Make roof repairs to various buildings at the facility;
 - C. Dispose of sludge from lagoons allowing on-site ash disposal at the facility;
 - D. Install scrubbers for air compressors at the facility;
 - E. Replace and renovate air compressors at the facility;
 - F. Replace and renovate the HVAC at the raw pump building at the facility;
 - G. Replace and renovate the switch gear and transformers at the facility;
 - H. Make improvements to oil storage area to meet fire code requirements;
 - I. Rehabilitate and renovate the grit removal system at the facility;
 - J. Install closed loop cooling system;
 - K. Make road repairs and improvements at the facility;
 - L. Replace ozone generators as an alternative disinfection system at the facility;
 - M. Replace engine in the final pump station at the facility;
 - N. Make improvements to the overflow system of the effluent filter building at the facility;
 - O. Replace screw pumps at the facility; and
 - P. Install generators as an alternative standby electrical energy source;

4. Assessment and Rehabilitation of Sewer Systems at Various Locations within the Sanitary District, including but not limited to projects at the Following Locations:
 - A. The Bridgeport Interceptor Basin;
 - B. The South Marion County Regional Interceptor System;
 - C. The East Marion County Regional Interceptor System;
 - D. The Pleasant Run Interceptor System;
 - E. The Williams Creek Interceptor System; and
 - F. The Lick Creek Interceptor System;
5. Assessment of Downtown Sewer System in Center Township;
6. Make Improvements to the Facility Located at 6380 Evanston Avenue in Washington Township to Eliminate Offensive Odors;
7. Assessment and Determinate of Lifecycle Needs of Major Pump Stations throughout the Sanitary District;
8. Cleaning, Rehabilitation and Renovation of the Sewer Facilities and Systems throughout the Sanitary District, including but not limited to, the Facilities and Systems at the Following Locations:
 - A. Harding Street from 10th Street to White River in Center Township;
 - B. 9200 East 10th Street in Warren Township;
 - C. Belmont North Interceptor System;
 - D. Beachway Drive from Mickley Avenue to Rockville Road and I-465 in Wayne Township;
 - E. College Avenue (700 East and 900 North) in Center Township;
 - F. Massachusetts Avenue (300 East and 300 North) in Center Township;
 - G. Arsenal Avenue and 16th Street in Center Township;
 - H. East Street and Louisiana Street in Center Township;
 - I. Pearl Street and Missouri Street in Center Township;
 - J. 15th Street (Northwest of Illinois Street) in Center Township;
 - K. Vermont Street and Hanson Street in Center Township;
 - L. College Avenue (700 East and 400 North) in Center Township;
 - M. Merrill Street and Capitol Avenue in Center Township;
 - N. Lexington Avenue and Grove Avenue in Center Township;
 - O. Home Place and Merrill Street in Center Township;
 - P. New Jersey Street (400 East and 500 North) in Center Township;
 - Q. North Park Avenue (600 East and 1300 North) in Center Township;
 - R. Fulton Avenue (800 East and 500 North) in Center Township;
 - S. Gateway and Eagle Dale Neighborhoods at 38th Street and High School Road in Pike and Wayne Townships;
 - T. Nora Area in Washington Township;
 - U. Castleton Area in Lawrence Township;
 - V. North Brook Street Project in Center Township;
 - W. South College Avenue (700 East and 0 South) in Center Township;
 - X. Shelby Street (1000 East and 900 South) in Center Township;
 - Y. North Agnes Street between Vermont Street and New York Street in Center Township;
 - Z. Lexington Avenue at College Avenue in Center Township;
 - AA. Brooks Street between 14th Street and 16th Street in Center Township;
 - BB. New Jersey Street and St. Clair Street in Center Township;
 - CC. Shelby Street and English Avenue in Center Township;
 - DD. North Central Avenue (1100 North to 1600 North) in Center Township;
 - EE. Maryland Street and Virginia Avenue (200 East and 100 South) in Center Township;
 - FF. Walnut Street and West Street in Center Township;
 - GG. Central Avenue and 13th Street in Center Township;
 - HH. Alley South of 9th Street and East of California Street in Center Township;
 - II. Delaware Street (200 East and 600 North) in Center Township;
 - JJ. Alley North of North Street and Northeast of California Street in Center Township;
 - KK. Vermont Street at Hanson Drive (IUPUI) in Center Township;
 - LL. Ludlow Avenue (East of Columbia Project) in Center Township;
 - MM. South Kentucky Avenue Project in Center Township;
 - NN. Delaware Street and Walnut Street in Center Township;

- OO. Indiana Avenue and 10th Street in Center Township;
 - PP. Senate Avenue from Ohio Street to Sinclair Street in Center Township;
 - QQ. Arsenal Avenue (East of Columbia Avenue) in Center Township;
 - RR. Ohio Street and Alabama Street in Center Township;
 - SS. New Jersey Street and St. Clair Street in Center Township;
 - TT. South Brooks Street between 9th Street and 10th Street in Center Township;
 - UU. Alley on McCarty Street (350 West and 900 South) in Center Township;
 - VV. North College Avenue (1300 North to 1600 North) in Center Township;
 - WW. Fulton Street between North Street and Walnut Street in Center Township;
 - XX. Morris Street between Senate Avenue and Capital Avenue in Center Township;
 - YY. Alley North of 9th Street and West of California Street in Center Township;
 - ZZ. Fulton Street between Walnut Street and St. Clair Avenue in Center Township;
 - AAA. College Avenue and Washington Street in Center Township;
 - BBB. Maryland Avenue and Alabama Street in Center Township;
 - CCC. Washington Street between East Street and College Avenue in Center Township;
 - DDD. Massachusetts Avenue and Vermont Street in Center Township;
 - EEE. California Street and Michigan Street in Center Township;
 - FFF. Mars Hill Neighborhood at S.R. 67, Mann Road and Mooresville Road in Decatur Township;
 - GGG. 38th Street, Post Road, Massachusetts Avenue and 46th Street in Lawrence Township; and
 - HHH. Central Avenue from 38th Street North to 45th Street in Washington Township;
9. Assessment and Determination of Lifecycle Needs of Lift Stations throughout the Sanitary District;
 10. Control of Corrosion and Renovation of Lift Station Facility located at 8638 Log Run South Drive in Pike Township;
 11. Control of Corrosion and Vibration, and Improvements and Renovate to the Lift Station Facility located at 5220 Stanley Road in Decatur Township;
 12. Rehabilitation of Storm Water Lift Station located at 1400 Waterway Boulevard in Center Township;
 13. Installation of Sewer Extension in the Area of I-465 to Keystone Avenue and Dean Road to 79th Street in Washington Township;
 14. Rehabilitation of the Lift Station and the Force Main at the Facility Located at 3921 North Sherman Drive in Washington Township;
 15. Improvements to Storm Sewer Drainage to Provide Drainage and Flood Control at the Following Locations:
 - A. Lick Creek in the area bounded by National Avenue, Aurora Street, Hanna Avenue and State Street in Perry Township;
 - B. Grassy Creek at Post Road, Rawles Avenue, Bonna Avenue and Fenton Avenue in Warren Township;
 - C. Crooked Creek at 62nd Street and Cooper Road in Pike Township; and
 - D. White River at 62nd Street, Kessler Avenue, Parker Avenue and Chester Avenue in Washington Township;
 16. Assessment and Rehabilitation of the 30th Street Storm Tunnel from Fall Creek Boulevard to Sherman Drive in Center and Washington Townships;
 17. Regional Drainage and Flood Control Improvements to Reduce Flooding in the Harding Street Area from I-465 to Hanna Avenue in Perry Township;
 18. Rehabilitation and Renovation of the Combined Sewer Overflow Outfalls and Sewers Effecting all Townships within the Sanitary District;
 19. Rehabilitation and Renovation of the Lift Station Facility at 8640 Allisonville Road in Washington Township;
 20. Separation and Renovation of the Sewer System in the Area of U.S. 31 and Sumner Avenue in Perry Township;

21. Assessment and Determination of Lifecycle Needs of Major Storm Pump Stations throughout the Sanitary District;
 22. Improvements for the Flood Control Project at 602 East 91st Street in Washington Township;
 23. Rehabilitation and Upgrading of Lift Stations throughout the Sanitary District;
 24. Relocation of Force Main to 8503 Lockwood Lane in Perry Township;
 25. Evaluation and Rehabilitation of Siphon Structure at the Following Locations:
 - A. Pleasant Run Parkway and East Street in Center Township;
 - B. 21st Street and Northwestern Avenue in Center Township;
 - C. 2200 East Thompson Road in Perry Township;
 - D. Harding Street and White River in Center Township;
 - E. 46th Street and Fall Creek Parkway in Washington Township;
 - F. West Street and White River in Center Township;
 - G. 34th Street and Fall Creek Parkway in Center Township;
 - H. West Street and D.O.T. in Center Township;
 - I. 71st Street and Westfield Boulevard in Washington Township;
 - J. 71st Street and College Avenue in Washington Township;
 - K. Michigan Road and White River in Washington Township;
 - L. 38th Street and Fall Creek Parkway in Center and Washington Townships;
 - M. Pleasant Run Parkway and Southern Avenue in Center Township;
 - N. Central Avenue and White River in Washington Township;
 - O. Eli Lilly & Company facility on Southern Avenue in Center Township;
 - P. 1100 feet South of Thompson Road in Decatur Township;
 - Q. Butler Avenue and White River in Washington Township; and
 - R. 10th Street and White River in Center Township; and
 26. Installation of Six (6) New Siphons at Other Various Locations within the Sanitary District;
- together with the expenses in connection with or on account of the issuance of bonds therefor.

Proposal No. 636, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 636, 1995 was retitled GENERAL RESOLUTION NO. 13, 1995, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 1995

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Sanitary District Refunding Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Thirty-three Million Five Hundred Thousand Dollars (\$33,500,000).

WHEREAS, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Sanitary District of the City of Indianapolis, Indiana (the "Sanitary District"), has previously issued the City of Indianapolis Sanitary District Bonds of 1986, dated as of August 1, 1986, in the original aggregate principal amount of Fifty-seven Million Dollars (\$57,000,000) (the "1986 Bonds"); and

WHEREAS, the 1986 Bonds are currently outstanding in the aggregate principal amount of Thirty-four Million Six Hundred Seventy-five Thousand Dollars (\$34,675,000) (the "Outstanding 1986 Bonds"); and

November 20, 1995

WHEREAS, the Board now desires to refund all of the Outstanding 1986 Bonds maturing on and after January 1, 1997, in the aggregate principal amount of Thirty Million Seven Hundred Seventy-five Thousand Dollars (\$30,775,000) (the "Refunded Bonds") as authorized by IC 5-1-5, and thereby obtain a substantial savings and reduction in interest costs; and

WHEREAS, on September 5, 1995, the Board adopted a final bond resolution authorizing the issuance of special taxing district bonds of the Sanitary District to be designated as "City of Indianapolis, Indiana, Sanitary District Refunding Bonds of 1995, Series A" in the total principal amount not to exceed Thirty-three Million Five Hundred Thousand Dollars (\$33,500,000) the "Bonds", for the purpose of providing funds for the payment of (i) the principal amount of the Refunded Bonds, (ii) the interest payable on the Refunded Bonds, due from July 1, 1995, (iii) the redemption premium which will be payable on January 1, 1996, and (iv) the costs of refunding the Refunded Bonds.

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district refunding bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve the issuance of special taxing district bonds of the Sanitary District to be designated as "City of Indianapolis, Indiana, Sanitary District Refunding Bonds of 1995, Series A," in an original aggregate principal amount not to exceed Thirty-three Million Five Hundred Thousand Dollars (\$33,500,000).

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

PROPOSAL NO. 673, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 673, 1995 on November 14, 1995. The proposal, sponsored by Councillor Dowden, is an appropriation of \$6,209,223 for the County Auditor to pay the County's obligation to the Indiana Boys School financed from the County General Fund balances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:44 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Dowden, for adoption. Proposal No. 673, 1995 was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West

0 NAYS:

4 NOT VOTING: Gray, Jimison, Short, Williams

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 673, 1995 was retitled FISCAL ORDINANCE NO. 124, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Six Million Two Hundred Nine Thousand Two Hundred Twenty-three Dollars (\$6,209,223) in the County General Fund for purposes of 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 fund the county's obligation to the Indiana Boys School.

SECTION 2. The sum of Six Million Two Hundred Nine Thousand Two Hundred Twenty-three Dollars (\$6,209,223) 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>6,209,223</u>
TOTAL INCREASE	6,209,223

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>6,209,223</u>
TOTAL REDUCTION	6,209,223

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

Councillor Dowden asked for consent to discuss and vote on Proposal Nos. 676, 682, and 723, 1995 together. Consent was given. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 676, 682, and 723, 1995 on November 8 1995. PROPOSAL NO. 676, 1995. The proposal is an appropriation of \$20,357 for the Prosecuting Attorney to purchase audio/visual equipment to be used in child abuse cases financed by a state grant. PROPOSAL NO. 682, 1995. The proposal is an appropriation of \$350,259 for the Community Corrections Agency to pay for home detention personnel, equipment, and supply expenses financed by revenues from the Home Detention User Fee Fund. PROPOSAL NO. 723, 1995. The proposal is an appropriation of \$128,134 for the Prosecuting Attorney to continue the Victim Advocate Project financed by state and federal grants. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 8:49 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal Nos. 676, 682, and 723, 1995 were adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Short, Williams*

2 ABSENT: *Moriarty Adams, Schneider*

Proposal No. 676, 1995 was retitled FISCAL ORDINANCE NO. 125, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Twenty Thousand Three Hundred Fifty-seven Dollars

November 20, 1995

(\$20,357) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(w) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney for audio/visual equipment to train personnel in interviewing and evidence gathering techniques to obtain statements and testimony from child victims to minimize trauma.

SECTION 2. The sum of Twenty Thousand Three Hundred Fifty-seven Dollars (\$20,357) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>20,357</u>
TOTAL INCREASE	20,357

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants	<u>20,357</u>
TOTAL REDUCTION	20,357

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

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

Proposal No. 682, 1995 was retitled FISCAL ORDINANCE NO. 126, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Three Hundred Fifty Thousand Two Hundred Fifty-nine Dollars (\$350,259) in the Home Detention User Fee Fund for purposes of the Community Corrections agency and County Auditor and reducing the unappropriated and unencumbered balance in the Home Detention User 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 (aa) and (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 Community Corrections Agency and the County Auditor for 95/96 Home Detention positions, home detention equipment and office supplies.

SECTION 2. The sum of Three Hundred Fifty Thousand Two Hundred Fifty-nine Dollars (\$350,259) 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>COMMUNITY CORRECTIONS AGENCY</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	144,306
2. Supplies	16,000
3. Other Services and Charges	66,444
4. Capital Outlay	85,531
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>37,978</u>
TOTAL INCREASE	350,259

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>350,259</u>
TOTAL REDUCTION	350,259

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

Proposal No. 723, 1995 was retitled FISCAL ORDINANCE NO. 127, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional One Hundred Twenty-eight Thousand One Hundred Thirty-four Dollars (\$128,134) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (w) and (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 Prosecuting Attorney and County Auditor for a continuation of a grants to fund six victim advocates to work in the courts.

SECTION 2. The sum of One Hundred Twenty-eight Thousand One Hundred Thirty-four Dollars (\$128,134) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	102,507
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>25,627</u>
TOTAL INCREASE	128,134

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

November 20, 1995

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered
State and Federal Grants Fund
TOTAL REDUCTION

128,134
128,134

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 104, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 104, 1995 on November 15, 1995. The proposal amends Secs. 23-64 and 23-65 of the Code concerning salary limits for county employees. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Rhodes moved, seconded by Councillor Shambaugh, to strike. Proposal No. 104, 1995 was stricken by unanimous voice vote.

PROPOSAL NO. 407, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 407, 1995 on November 13, 1995. The proposal, sponsored by Councillor SerVaas, consents to the incorporation of the Town of North Madison, Indiana. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be denied. Proposal No. 407, 1995 was rejected on the following roll call vote; viz:

1 YEA: Mullin

25 NAYS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West, Williams

1 NOT VOTING: Short

2 ABSENT: Moriarty Adams, Schneider

PROPOSAL NO. 719, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 719, 1995 on November 15, 1995. The proposal is an appropriation of \$100,000 for the Department of Administration, Real Estate Division, for city-owned property management and maintenance financed by a transfer within the division's Consolidated County Fund. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 719, 1995 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West, Williams

2 NAYS: Gilmer, Gray

4 NOT VOTING: Beadling, Coughenour, Golc, Short

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 719, 1995 was retitled FISCAL ORDINANCE NO. 128, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional One Hundred Thousand Dollars

(\$100,000) in the Consolidated County Fund for purposes of the Department of Administration, Real Estate Division and reducing certain other appropriations for that Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) 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 Administration, Real Estate Division for property management and maintenance on city owned property.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>REAL ESTATE DIVISION</u>	
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	100,000

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

<u>DEPARTMENT OF ADMINISTRATION</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>REAL ESTATE DIVISION</u>	
1. Personal Services	<u>100,000</u>
TOTAL REDUCTION	100,000

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

PROPOSAL NO. 720, 1995. Councillor O'Dell reported that the Community Affairs Committee heard Proposal No. 720, 1995 on November 9, 1995. The proposal is an appropriation of \$34,302 for the Office of Youth and Family Services to provide neighborhood-based primary health care services financed by a transfer within the agency's Consolidated County Fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor West, for adoption. Proposal No. 720, 1995 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West, Williams

0 NAYS:

3 NOT VOTING: Golc, Gray, Short

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 720, 1995 was retitled FISCAL ORDINANCE NO. 129, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 129, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Thirty-four Thousand Three Hundred Two Dollars (\$34,302) in the Consolidated County Fund for purposes of the Office of Youth and Family Services and reducing certain other appropriations for that Office.

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

November 20, 1995

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Office of Youth and Family Services to provide additional CDBG funds to Third-party contracts.

SECTION 2. The sum of Thirty-four Thousand Three Hundred Two Dollars (\$34,302) 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>OFFICE OF YOUTH AND FAMILY SERVICES</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>34,302</u>
TOTAL INCREASE	34,302

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

<u>OFFICE OF YOUTH AND FAMILY SERVICES</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>34,302</u>
TOTAL REDUCTION	34,302

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

PROPOSAL NO. 721, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 721, 1995 on November 13, 1995. The proposal is an appropriation of \$138,345 for the Department of Metropolitan Development, Divisions of Planning and Neighborhood and Development Services, to purchase computers, financed by transfers within the divisions' Metropolitan Development General Fund. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Gilmer, for adoption. Proposal No. 721, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Short*

2 ABSENT: *Moriarty Adams, Schneider*

Proposal No. 721, 1995 was retitled FISCAL ORDINANCE NO. 130, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 130, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional One Hundred Thirty-eight Thousand Three Hundred Forty-five Dollars (\$138,345) in the Metropolitan Development General Fund for purposes of the Department of Metropolitan Development, Divisions of Planning and Neighborhood and Development Services and reducing certain other appropriations for that department

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (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 Department of Metropolitan Development, Planning Division and Neighborhood Services Division to upgrade personal computers and replace inspector vehicles.

SECTION 2. The sum of One Hundred Thirty-eight Thousand Three Hundred Forty-five Dollars (\$138,345) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>METROPOLITAN DEVELOPMENT</u>
<u>PLANNING DIVISION</u>	<u>GENERAL FUND</u>
4. Capital Outlay	<u>27,831</u>
INCREASE	27,831
<u>NEIGHBORHOOD AND DEVELOPMENT</u>	<u>METROPOLITAN DEVELOPMENT</u>
<u>SERVICE DIVISION</u>	<u>GENERAL FUND</u>
4. Capital Outlay	<u>110,514</u>
INCREASE	110,514
TOTAL INCREASE	138,345

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

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>METROPOLITAN DEVELOPMENT</u>
<u>PLANNING DIVISION</u>	<u>GENERAL FUND</u>
3. Other Services and Charges	<u>27,831</u>
REDUCTION	27,831
<u>NEIGHBORHOOD AND DEVELOPMENT</u>	<u>METROPOLITAN DEVELOPMENT</u>
<u>SERVICE DIVISION</u>	<u>GENERAL FUND</u>
3. Other Services and Charges	<u>110,514</u>
REDUCTION	110,514
TOTAL REDUCTION	138,345

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

PROPOSAL NO. 722, 1995. Councillor Giffin stated that he was not able to attend the Parks meeting and Councillor Rhodes would present the Committee report. Councillor Rhodes reported that the Parks and Recreation Committee heard Proposal No. 722, 1995 on November 16, 1995. The proposal reduces \$625,000 from the Department of Parks and Recreation's Park General Fund as part of the financing for the 1996 annual budget. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Giffin, for adoption. Proposal No. 722, 1995 was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West, Williams

0 NAYS:

5 NOT VOTING: Beadling, Black, Gilmer, Mullin, Short

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 722, 1995 was retitled FISCAL ORDINANCE NO. 131, 1995, and reads as follows:

November 20, 1995

CITY-COUNTY FISCAL ORDINANCE NO. 131, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) by reduction appropriation by Six Hundred Twenty-five Thousand Dollars (\$625,000) for the Department of Parks and Recreation in the Parks General Fund.

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

SECTION 1. To reflect reduction in proposed expenditures 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 reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	40,399
3. Other Services and Charges	<u>584,601</u>
TOTAL REDUCTION	625,000

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

PROPOSAL NO. 727, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 727, 1995 on November 14, 1995. The proposal amends the Revised Code pertaining to the Information Services Board, Agency. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry further offered the following amendment and explanation which he read as follows::

Mr. President:

I move to amend Proposal No. 727, 1995 as follows:

1. Amend Sec. 281-212 by adding "(a)" to the beginning of the existing language and by creating a new subsection (b). The purpose of this amendment is to clearly show that the Information Technology Board is not intended to have authority over cable franchising. The new subsection (b) would read as follows:

(b) Should any powers granted by this Article conflict with powers granted under Chapter 851 or Article I of Chapter 285, the provisions of Chapter 851 or Article I of Chapter 285 shall control.

2. Amend Sec. 281-213(b) to simplify the language dealing with quorum and to insert the provision which states that the chief information officer votes only when necessary to break a tie vote. This voting provision is currently found in Sec. 281-221(a). The new Sec. 281-213(b) would read as follows:

(b) A quorum of the board for official action in session shall be ~~three (3)~~ four (4) members, ~~other than—For this purpose, the director chief information officer shall not be considered a member. The chief information officer shall vote only in those matters in which there is a tie vote of the members present.~~ Official minutes of meetings shall be kept by the ~~director~~ chief information officer.

3. Amend Sec. 281-221(a) to delete the voting provisions are to be inserted in Sec. 281-213(b). The new Sec. 281-221(a) would read as follows:

(a) ~~The director chief information officer shall meet with the board as a nonvoting member but shall vote only on those matters in which there is a tie vote of the members present.~~ The director chief information officer shall have such qualifications and experience as set by the board. The ~~director chief information officer shall be the senior administrator of the information services agency (ISA) and shall act as technical advisor and provide staff support for the board in its deliberations.~~ The director chief information officer shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.

Councillor Beadling seconded the motion, and it passed by unanimous voice vote. Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 727, 1995, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Short*

2 ABSENT: *Moriarty Adams, Schneider*

Proposal No. 727, 1995, as amended, was retitled GENERAL ORDINANCE NO. 202, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 202, 1995

A GENERAL ORDINANCE amending the Revised Code of The Consolidated City and County by amending Article II of Chapter 281, pertaining to the Information Services Board, Agency.

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

SECTION 1. Article II of Chapter 281 of the Revised Code of the Consolidated City and County is hereby amended by inserting the words underlined and deleting the words stricken through as follows:

ARTICLE II. INFORMATION ~~SERVICES~~ TECHNOLOGY BOARD, AGENCY

Sec. 281-201. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them:

- (a) *Board* means the Marion County Information ~~Services~~ Technology Board.
- (b) ~~Director~~ Chief Information Officer means the director of the information services agency and team leader of the IT Team.
- (~~dc~~) *Council* means the City-County Council of Indianapolis and Marion County.
- (~~ed~~) *ISA* means the Information Services Agency of Indianapolis and Marion County.
- (e) *IT* means all aspects of information technology, data processing and related services including telecommunications.
- (f) *IT Team* means the Information Technology Integration and Coordinating Team.
- (~~eg~~) *Subject agencies* means any and all agencies, officers, offices, boards, commissions, divisions and departments of the city, of the county, units of township government in the county, and any court or prosecutor funded by the county.
- (h) *Telecommunications* means all aspects of telephone services, including voice, data and video transmission and equipment.
- (~~fi~~) *User* means any and all subject agencies as defined herein and any and all other entities which use the services of ISA.

Sec. 281-211. Board created; members; compensation.

- (a) To ensure enterprise-wide connectivity, compatibility and integration of information technology and the cost effective provision of quality information systems and services, including telecommunications.

November 20, 1995

There is hereby created the county information ~~services~~ technology board, which shall consist of the following persons, who shall be appointed for the following terms:

- (1) ~~Two (2) city officers appointed by the mayor of the city to serve at the pleasure of the mayor. One (1) such person shall be a representative for public safety agencies and the other shall be a representative for public service agencies;~~
- (2) Two (2) county constitutional officeholders, limited to the auditor and the clerk or treasurer of the county, to be appointed by and serve at the pleasure of the council;
- (3) ~~The One (1) representative appointed by the presiding judges of the county municipal superior court, representing the judicial branch of local government, to serve by virtue of that office;~~
- (4) Two (2) persons, with senior management experience which includes holding or having held line authority over the manager of the data processing area of an organization located in Marion County, that utilizes a large data processing installation comparable to the city-county installation, and that is not in the business of selling data processing equipment or services. One (1) such person shall be appointed by the council and the other by the mayor. The terms of such appointments shall be staggered by the initial appointment of the mayor's appointment to a three-year term and the council's appointment to a two-year term; thereafter each to serve for two-year terms but at the pleasure of the respective appointing authority;
- (5) One township assessor appointed by the majority vote of the nine (9) township assessors of Marion County; and
- (6) The Chief Information Officer.

(b) Board members shall serve in person and not by proxy, and without compensation, except that personal expenses incurred through service to the board, travel, lodging and fees may be reimbursed to the board member upon authorization of the board.

Sec. 281-212. Powers and duties.

(a) ~~The board shall have the following powers and duties; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected official:~~

- (1) ~~To determine the means of financing any information or telephone services, subject to the approval of the council where applicable, and to fix rates and formulas for invoicing users for information services rendered~~ Establish and revise information technology guidelines, standards and benchmark processes for subject agencies and other users;
- (2) Establish and maintain procedures for the technology related planning, approval and quality review of information technology operations and initiatives;
- (3) To review, approve and administer major IT contracts;
- (4) To define at least five (5) functional classifications for representation of the various subject agencies on the IT Team;
- (25) To review and make recommendations concerning ~~approve~~ all information budgets, and approve ~~all~~ operating systems, contracts and expenditures for ~~information or telephone IT~~ services, equipment purchase, rent or lease, consultants, management or technical personnel, studies, programs and ~~information or telephone IT~~ materials or supplies for any and all users;
- (36) To conduct studies and evaluations of any and all ~~information or telephone IT~~ needs and current systems operations of users;
- (47) To contract for technical and specialized assistance in administering its duties;
- (58) To require annual ~~information or telephone IT~~ service plans and resources inventories from all users;

- (69) To develop, maintain and communicate ~~information or telephone~~ IT services policy and administrative procedures for users and an ~~information or telephone~~ IT services master plan for users;
- (7) ~~To develop, maintain and distribute personnel job descriptions and salary level recommendations for the director and for information or telephone services staff of ISA or users, and to approve all technical positions therein, in conjunction with the department of administration of the city where applicable;~~
- (810) To employ, or retain by personal services contract, a ~~director for the information services agency~~ chief information officer, who shall have such duties as established herein, to serve at the pleasure of the board;
- (911) To promulgate rules and regulations for the efficient administration of its policies and procedures for users;
- (1012) To develop and oversee adherence to standards for ~~privacy of personally identifiable confidential information and security~~ and confidentiality of all data, information and telecommunication systems and records, including back-up/recovery plans;
- (1113) The exclusive power to select and contract with ~~telephone service~~ telecommunication providers for all city and county offices and agencies, whose expenditures for such services are paid from funds subject to appropriation by the city-county council;
- (1214) To delegate any functions to the ~~director~~ chief information officer or the IT Team, subject to review by the board.

(b) Should any powers granted by this Article conflict with powers granted under Chapter 851 or Article I of Chapter 285, the provisions of Chapter 851 or Article I of Chapter 285 shall control.

Sec. 281-213. Officers; quorum; meetings.

(a) The officers of the board shall be a chairperson and a secretary, ~~one (1) of whom shall be a senior city official and the other a county officer.~~ The chairperson ~~shall be named by the mayor~~ and the secretary shall be elected by the board. All contracts, agreements, resolutions and official communications of the board shall be in writing and be executed by these officers upon being authorized by motion passed by the board by simple majority of its members present.

(b) A quorum of the board for official action in session shall be ~~three (3)~~ four (4) members, ~~other than-~~ For this purpose, the director chief information officer shall not be considered a member. The chief information officer shall vote only in those matters in which there is a tie vote of the members present. Official minutes of meetings shall be kept by the ~~director~~ chief information officer.

(c) The board shall meet monthly at such place and time as may be set by the chairperson, and may meet at such other times and places as may be needed in special session called by the chairperson for a particular purpose. All meetings, whether regular or special, shall be open to the public. No official action may be taken by the board except at a public meeting, whether regular or special. Board members may confer from time to time in executive session without the necessity of calling a public meeting as applicable by law.

Sec. 281-221. ~~Director~~ Chief Information Officer-Qualifications; responsibilities generally.

The board shall employ or retain by personal services contract a ~~director~~ chief information officer.

(a) ~~The director shall meet with the board as a nonvoting member.~~ The director chief information officer shall have such qualifications and experience as set by the board. The director chief information officer ~~shall be the senior administrator of the information services agency (ISA) and shall act as technical advisor and provide staff support for the board in its deliberations.~~ The director chief information officer shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.

November 20, 1995

(b) The chief information officer shall manage and supervise ISA. The chief information officer shall be responsible for the planning, organization and management of ISA, within the organization plans and policies approved by the board.

(c) The chief information officer shall be a member and team leader of the IT Team.

Sec. 281-222. Same-Powers and duties.

The ~~director~~ chief information officer shall have the following additional specific duties;

- (1) To review ~~information or telephone services~~ IT activities, operations, requests and technical personnel of the users and provide recommendations on same to the subject agency or board; to oversee the overall management ~~information or telephone services~~ IT activities which are subject to this article;
- (2) To manage all enterprise-wide IT contracts and assist in the management of the IT contracts of the subject agencies;
- (3) To monitor IT budgets for contract administration;
- (4) To monitor service level agreements and charges;
- (25) To receive and review with comment and recommendations all reports, requests and documents for the board;
- (36) To communicate for and on behalf of the board with the users, including subject agencies, other governmental units and the private sector when the board is not in session;
- (47) To receive budget proposal for ~~information or telephone~~ IT services and operations for agencies of the consolidated city, the county, the courts and other users and to assist the board in review and evaluation of the budgets prior to their submission to the city-county council;
- (58) To review all contracts for ~~information or telephone~~ IT services, equipment lease, rent or purchase, materials, supplies, consultants, technical personnel, studies or programs for users, including specifically, ISA, and submit same with comment and recommendations to the board for its action;
- (69) To coordinate the preparation of a master plan for ~~information or telephone services~~ IT operations for all users within the direction given from the board;
- (710) To implement all administrative rules and regulations promulgated by the board.

Sec. 281-223. Board approval required for services.

(a) The written approval of the board shall be obtained before any subject agency, ~~as defined in section 281-201,~~ shall:

- (1) Acquire by contract, purchase, lease or rental of any data processing services, equipment, materials, supplies, programs or software; or
- (2) Acquire by contract, purchase, lease or rental of telephone or telecommunications services, equipment materials or supplies; or
- (3) Authorize or contract for studies, technical personnel or consultants regarding data processing or telecommunications services.

(b) No subject agency, ~~as defined in section 281-201 herein,~~ or officer, employee or agent thereof shall, ~~after August 31, 1981,~~ purchase, lease, rent or contract for the use of any ~~information or telephone~~ IT services, equipment, materials, supplies, ~~information or telephone services~~ IT studies, programs, technical personnel or consultants without first ~~obtaining written approval of~~ submitting a written proposal to the board for its review, recommendations and approval. Any such purchase, lease, rental or contract entered into by a subject agency without the prior written approval of the board shall be voidable at the option of the board.

Sec. 281-224. Appeal procedure.

(a) Any subject agency or user which, in the opinion of that agency manager, feels aggrieved at a decision of the board concerning that agency's ~~data processing or telephone operations~~ IT systems and services, including telecommunications, may file a written request for review of such decision with the chairperson of the board, who shall place such request on the agenda of the special meeting of the board for the purpose of appellate review. The board shall call a special meeting to hear the appeal, and for the purpose of special meetings for appeals, the board shall consist of the regular board members, plus the mayor or the mayor's designee and the president of the city-county council or such president's designee. The decision of this board shall be final, except as provided in subsection (b) below, and shall be entered of record in the minutes of the board. In order to hear the appeal, the board shall have present at least four (4) of its regular members plus either the mayor (or designee) or the president of the city-county council (or such president's designee).

(b) Should an elected official feel ~~aggrieved at the~~ that a decision resulting from appeal to this board constitutes a derogation of the elected official's powers, duties or responsibilities or otherwise feel aggrieved, the matter shall be heard and finally resolved by majority vote at a special meeting of the committee on rules and public policy of the city-county council with at least five (5) members present and voting. Such meeting shall be held within twenty-one (21) days of written request by the elected official.

Sec. 281-231. Information services agency created.

There is created the information services agency (ISA) which shall be under the policy supervision of the county information services ~~technology~~ board through the ~~director~~ chief information officer. ~~ISA shall be the functional operating information and telephone services facility for such portions and agencies of local government and other users as the board may prescribe. The board shall approve the organization of ISA along such lines as are consistent with principles of good management and the provisions of this article.~~

Sec. 281-232. ~~Duties of director with respect to information services agency.~~

~~ISA shall be managed and supervised by the director. The director will be responsible for the planning, organization and management of ISA, within the organization plans and policies approved by the board.~~

Sec. 281-233. Agency function.

ISA shall provide ~~information and telephone~~ IT services to those local government subject agencies and other users designated by the board according to the direction given by the board and to the master plan for the county as developed by the board in conjunction with the subject agencies, including ISA and other users. ISA, subject to the board's direction, shall be the primary provider of services for the city, the county, the courts and all other approved users, and ~~shall receive systems and service requests from its users, evaluate same, and submit requests of a type specified by the board to the director for the director's evaluation and to the board for its approval. With approval of the board, ISA may contract with other agencies, including nongovernmental entities, for the provision of IT systems and services, including telecommunications.~~

Sec. 281-234. ~~Information services users committee created; duties; procedure.~~
Information Technology Integration and Coordinating Team created.

~~There is created an information services users committee, which shall be made up of representatives of each city, county, township or other local governmental unit and other entity which receives information services subject to this article. The representative members may be managers of user agencies or technical administrators from user agencies designated by the agency manager. The users committee shall be charged with the duty of monitoring the quality and cost of service. The users committee shall meet bimonthly or more frequently if needed. A chairperson, vice chairperson and a secretary shall be chosen from among its members, but the office of vice chairperson must be filled by a township assessor as a representative of the various entities receiving services from ISA. Regular meetings shall be established by the chairperson and special meetings shall be called by the chairperson whenever three (3) or more user representatives so request, stating the subject matter involved and reason immediate action is necessary. Upon the majority vote of a quorum of the users committee in an official meeting, the users committee may cause the board to meet in a special meeting to hear any items the users committee approves to be agenda items at the special board meeting. The appeal procedure provided by section 281-224 shall also be available to the users committee in the event that such special board meetings held under the provisions of this section do not yield results acceptable to a majority vote of a quorum of a subsequent official users~~

~~committee meeting. The users committee shall advise the mayor, the city-county council, the director and the board on matters pertaining to the service received and shall recommend changes and suggestions for improvement where thought necessary.~~

(a) There is hereby created an information technology integration and coordinating team which shall be made up of at least seven (7) members: one (1) person shall be the chief information officer who shall be the team leader of the team; one (1) person for each functional classification defined by the board under section 281-212(4) shall be selected by the various subject agencies included in the functional classification; and one (1) person shall be the manager of the agency or nongovernmental entity which is the primary IT provider. The IT team shall meet as directed by the board and shall have those powers and perform those functions delegated to it by the board. In addition to other functions so delegated, the IT team shall perform the following functions:

- (1) Assist in the development and revision of technology standards, board guidelines and benchmark processes;
- (2) Support the policies, procedures and direction established by the board;
- (3) Provide IT strategy direction and communication forums for subject agencies and other users;
- (4) Review IT budgets annually;
- (5) Establish, monitor and support administration of contracts and service level agreements; and
- (6) Coordinate assistance for the review of major IT projects and IT opportunities for subject agencies and other users.

(b) A quorum of the IT Team shall be a majority of the members. A decision on any matter coming before the IT Team shall be made by a simple majority vote of the members present.

SECTION 2. Until such time as members of the Marion County Information Technology Board have been appointed and qualified, the Marion County Information Technology Board shall consist of those persons acting as members of the Marion County Information Services Board immediately prior to the effective date of this ordinance.

SECTION 3. The express or implied repeal or amendment by this ordinance of any other ordinance of part of any other ordinance does not effect any rights or liabilities accrued prior to the effective date of this ordinance. Those rights and liabilities are continued and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14 or January 1, 1996, whichever date is later.

The President asked Councillor West to present Proposal Nos. 750, 751, and 752, 1995 at this time.

Councillor West reported that the Metropolitan Development Committee heard Proposal Nos. 750, 751, and 752, 1995 on November 13, 1995. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. PROPOSAL NO. 750, 1995. The proposal amends the Special Districts Zoning Ordinance in order to comply with the State's "Development Plan Law" (95-AO-12). PROPOSAL NO. 751, 1995. The proposal amends the Wellfield Protection Zoning Ordinance by extending the expiration date from July 1, 1996 to December 31, 1996 (95-AO-13B). PROPOSAL NO. 752, 1995. The proposal amends the Wellfield Protection Zoning Ordinance by extending the expiration date from July 1, 1996 to

December 31, 1996 (95-AO-13B). Councillor West moved, seconded by Councillor Gilmer, for adoption.

Councillor Giffin asked for consent to abstain from voting on Proposal Nos. 751 and 752, 1995 due to a conflict of interest. Consent was given.

Proposal No. 750, 751, and 752, 1995 were adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, Tilford, West, Williams

0 NAYS:

3 NOT VOTING: Borst, Giffin, Short

2 ABSENT: Moriarty Adams, Schneider

Proposal No. 750, 1995 was retitled GENERAL ORDINANCE NO. 203, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 203, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-12

A GENERAL ORDINANCE amending the Special Districts Zoning Ordinance of Marion County, Indiana, by 1) repealing the Special Use Districts Ordinance and including the language of that ordinance in the Special Districts Zoning Ordinance; and, 2) allow for Administrator's Approval of certain low intensity development.

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; and

WHEREAS, the MDC of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, various segments of its Comprehensive Plan of Marion County, Indiana;

WHEREAS, the recent amendments to IC 36-7-4 regarding development plans need to be reflected in the Special Districts Zoning Ordinance and this ordinance amendment brings the Special Districts Zoning Ordinance into compliance with the 1400 Series - Development Plans (P.L. 320-1995, 22) of IC 36-7-4; now, therefore:

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

SECTION 1. The Special Use Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 66-AO-3, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The language of the former Special Use Districts Zoning Ordinance shall be recodified and combined into the Special Districts Zoning Ordinance in the following manner: *

- a. delete the stricken-through language from the former ordinance;
- b. insert the underscored language into the applicable sections of the ordinance; and,
- c. insert non-altered language into the applicable sections of the ordinance.

SECTION 3. The language of the Special Districts Zoning Ordinance shall be further amended by deleting the crosshatched language and inserting the underscored language as follows:

CHAPTER I

Sec. 1.00. Establishment of Special Zoning Districts.

A. *Establishment of Special Zoning Districts.* The following primary Special Zoning District for Indianapolis/Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Zoning Base Maps, which maps are ~~attached hereto, hereby incorporated herein~~ by reference and made a part of this ordinance:

Park Districts

- PK-1 Park District One
- PK-2 Park District Two

Hospital Districts

- HD-1 Hospital District One
- HD-2 Hospital District Two

University Quarter Districts

- UQ-1 University Quarter District One
- UQ-2(B) University Quarter District Two (Butler University)

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

<u>Zoning District</u>	<u>Symbol</u>	<u>Permitted Use</u>
I	SU-1	Religious use (as defined in Section 2.04 <u>5</u> , B)
II	SU-2	School
III	SU-3	Golf course, golf driving range, golf country club--public or private
V	SU-5	Radio receiving or broadcasting tower and accessory buildings
VI	SU-6	Hospital, sanitarium, nursing home
VII	SU-7	Charitable, philanthropic and not-for-profit institution
VIII	SU-8	Correctional and penal institution
IX	SU-9	Building(s) and grounds used by any department of town, city, township, county, state or federal government
X	SU-10	Cemetery
XIII	SU-13	Sanitary landfill
XVI	SU-16	Indoor and outdoor commercial amusement, recreation and entertainment establishment
XVIII	SU-18	Light or power substation
XX	SU-20	Telephone exchange offices
XXIII	SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling
XXVIII	SU-28	Petroleum refinery and petroleum products storage
XXXIV	SU-34	a. Club rooms b. Fraternal rooms -- fraternity and lodge c. Ballroom -- public
XXXV	SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings

XXXVII	SU-37	Library
XXXVIII	SU-38	Community Center
XXXIV	SU-39	Water tank, water pumping station and similar structures not located on buildings
XXXXI	SU-41	Sewage disposal plant; garbage feeding and disposal
XXXXII	SU-42	Gas utility
XXXXIII	SU-43	Power transmission
XXXXIV	SU-44	Off-track pari mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (Off-track betting facilities, G.O. 92, 1994)

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

CHAPTER II

Sec. 2.00. General Regulations.

A. *Applicability of Regulations.* The following regulations shall apply to all land within the Special Zoning Districts. 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, premise 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.

Provided, however, 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 disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structure or facilities affected.

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

1. *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, Indiana, which ordinance is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke and particulate matter are hereby incorporated by reference and made a part hereof.
3. *Noxious matter.* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.

6. *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. *Waste matter.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

C. *Development Plans Required.* A site and development plan shall be required in the PK-1, PK-2, HD-1, HD-2, UQ-1, UQ-2(B), and all SU Districts. Development requirements which must be met for the approval of a site and development plan are specified in each of the respective districts.

D. *Commitments.* The Commission may permit or require commitments.

E. *State Statute Citation.* The applicable Indiana Planning and Zoning Law pertaining to this ordinance is the 1400 Series - Development Plans [P.L. 320-1995, 22] of IC 36-7-4. Regulations contained in, and revisions to, this ordinance reflect the provisions of the 1400 Series - Development Plans.

Sec. 2.01. Park District Regulations.

A. *Permitted Park District Uses.*

1. *Park District One (PK-1) uses.* Public playgrounds, play fields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Commission as hereinafter provided.

Provided, however, that no use not specifically enumerated, nor any building or structure shall hereafter be constructed or used on any land in the PK-1 DISTRICT for any purpose other than lawfully existed on or prior to May 7, 1969 until a site and development plan for said land and all Park District lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the Commission unless enumerated in Section 2.01, ~~C~~D (Specific Exemptions - Administrator's Approval).

2. *Permitted Park Perimeter - Special District Two (PK-2) Uses.* Permitted Uses, as approved by the Commission as hereinafter provided:
 - a. Any dwelling use, including single-family or multi-family, attached or detached dwellings, subject to all standards, requirements and regulations of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended, specified in the petition for such Commission approval.
 - b. Any commercial office use, office complex, commercial office -- apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses or other appropriate uses and accessory facilities.
 - c. Regional, community or neighborhood shopping center, commercial center-office-apartment complex, apartment hotels, hotels, motels or other similar single commercial use or multi-use planned complex, including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
 - d. Office-commercial-industrial research and development park or complex or other commercial-industrial use or combination thereof (subject to all standards, requirements and regulations of Section 2.05~~6~~ of the Industrial Zoning Ordinance, (I-1-U Restricted Industrial Urban District) 63-AO-4, as amended, and accessory facilities.

- e. Public and semipublic structures and uses, parks and open space, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic centers, university or college campus or other educational office complexes, malls, greenways, or other appropriate and accessory facilities.
- f. Residential-recreational-commercial planned complex, including multifamily dwellings, townhouses, condominium, cluster-housing or other planned residential development in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities.
- g. Any other appropriate planned land use, complex or combination of land uses.

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 District until such proposed use, and a site and development plan for the use shall have been filed with and approved by the Commission unless enumerated in Section 2.01, CD (Specific Exemptions - Administrator's Approval).

B. *Site and Development Plan Consideration.* The Commission may consider and act upon any proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission.

The Commission shall prescribe in its Rules of Procedure the requirements for an Approval Petition for site and development plan consideration which shall be filed. In addition, the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

~~In the PK-1 District, public notice of such meeting shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request. In addition, the governmental unit or department filing such plan shall have the right to appear and be heard.~~

~~In the PK-2 District, public notice and notice to adjoining land owners by the petitioner shall be required in accordance with the Commission's Rules of Procedure.~~

1. Plan documentation and supporting information. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
 - a. Proposed Park District uses.
 - b. Any existing uses, buildings and structures.
 - c. Proposed buildings and structures.
 - d. Off-street parking layouts.
 - e. Vehicular entrances and exits and turn-off lanes.
 - f. Setbacks.
 - g. Landscaping, screens, walls, fences.
 - h. Signs, including location, size and design thereof.
 - i. Sewage disposal facilities.
 - j. Storm drainage facilities.
 - k. Other utilities if above ground facilities are needed.
2. Site and development plan requirements. Land in the PK-1 and PK-2 Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the Commission shall assess whether Such said site and development plan, and proposed uses, buildings and structures shall:

- 1 a. Be in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by Commission Resolution 65-CPS-R-2, as amended;
- 2 b. Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- 3 c. Provide sufficient and adequate access, parking and loading areas;
- 4 d. Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- 5 e. Provide adequately for sanitation, drainage and public utilities; and
- 6 f. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

3. Commission Findings. The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section. The written findings shall be based upon the requirements of Section 2.01, B, 2 above. The President or Secretary of the Commission shall be responsible for signing the written findings.

C. Public Notice.

PK-1 District - Public notice of the hearing regarding such petition shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request.

PK-2 District - Public notice of the hearing regarding such petition shall be required in accordance with the Commission's Rules of Procedure.

~~All land use within the PK-1 and PK-2 DISTRICTS shall be subject to all requirements of Section 1.00, C and D of The Improvement Location Permit Ordinance, 68 AO 11, as amended, relative to conformity with all conditions and commitments of the applicable Commission approval or Board of Zoning Appeals grant of a variance.~~

~~No use, building or structure shall be established or erected in any PARK DISTRICT without an Improvement Location Permit. An Improvement Location Permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed uses, buildings or structures, shall have been approved by the Commission, unless exempt under Section 2.01, C below. Applications for Improvement Location Permits shall be made upon Department of Metropolitan Department forms and shall include all information specified by such forms.~~

CD. Specific Exemptions - Administrator's Approval.

1. Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the PK-1 and PK-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply. The Administrator shall be required to use the

standards of Section 2.01, B, 2 in the review and disposition of such structures and improvements.

- 1 a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- 2 b. Additions to existing structures which are less than:
 - One thousand (1,000) square feet in the PK-1 District
 - One thousand (1,000) square feet for residential uses, within the PK-2 District
 - Two thousand five hundred (2,500) square feet for all other uses within the PK-2 District
- 3 c. In the PK-1 District, any new structure which is less than two thousand five hundred (2,500) square feet, provided the structure:
 - Is in substantial conformance with the applicable adopted Park Master Plan; or,
 - Is an accessory support structure which may not be delineated on the adopted Park Master Plan, the location of which, however, will not affect the implementation of the plan (examples of such structures are golf cart buildings, picnic shelters, maintenance sheds, and rest rooms).
- 4 d. Any new residential structures in projects or subdivisions previously approved by the Commission. In instances of an approved subdivision, a plat shall have been recorded.
- 5 e. Accessory structures permitted in connection with residential development
- 6 f. Landscaping
- 7 g. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended)

2. Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition. Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in Section 2.01, B, 3.

E. Improvement Location Permit Requirements. All land use within the PK-1 and PK-2 Districts shall be subject to all requirements of Section 1.00, C and D of The Improvement Location Permit Ordinance, 68-AO-11, as amended, relative to conformity with all conditions and commitments of the applicable Commission approval or Board of Zoning Appeals grant of a variance.

No use, building or structure shall be established or erected in any Park District without an Improvement Location Permit. An Improvement Location Permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed uses, buildings or structures, shall have been approved by the Commission, unless exempt under Section 2.01, D. Applications for Improvement Location Permits shall be made upon Department of Metropolitan Department forms and shall include all information specified by such forms.

DE. Park District Development Standards

Park District One (PK-1) Development Standards. The following development standards shall apply to all land within Park District One:

1. *Location.* Public parks larger than ten (10) acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan of Marion

County, Indiana (adopted March 6, 1991), as a primary or secondary thoroughfare, parkway, expressway or freeway.

2. *Minimum lot area.* There shall be no minimum lot area.
3. *Setback lines and minimum front yards.*
 - a. Front yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:
 - (1) Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.
 - (2) Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.
 - (3) Collector Street, No part of any structure shall be built closer than thirty (30) feet to any right-of-way line of a collector street.
 - (4) Local Street, Marginal Access Street or Cul-de-Sac. No part of any structure shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure shall be built closer than twenty (20) feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

Exception: Eaves, cornices or other laterally-supported extensions may extend into the front yard setback a maximum of four (4) feet.

4. *Maximum height.* Thirty-five (35) feet.
5. *Off-street parking.*
 - a. Adequate off-street parking spaces shall be provided for the various PK-1 District park activities and uses.
 - b. Off-street parking area for all uses in the PK-1 DISTRICT shall be developed and maintained in accordance with the following requirements:
 - (1) Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
 - (2) The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
 - (3) Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.
 - c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.
6. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Park District Two (PK-2) Development Standards. All development within the Park District Two (PK-2) District shall be in accordance with the site and development plan, as approved by the Commission in accordance with this Section.

Sec. 2.02. Hospital District Regulations.

Statements of Purpose:

Hospital District One (HD-1). The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and, further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

Hospital District Two (HD-2). The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and, (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

A. *Permitted Hospital District Uses.*

1. *Permitted Hospital District One (HD-1) Uses.* All uses permitted within the HD-1 District shall be subject to the Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

Hospital Complex or Hospital Campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:

- a. Administrative and professional staff offices.
 - b. Apartments and dormitories for hospital staff, personnel and students.
 - c. Cafeterias, gift shops, book stores and other similar convenience functions.
 - d. Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
 - e. Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
 - f. Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
 - g. Other similar uses and facilities.
2. *Permitted Hospital District Two (HD-2) Uses.* All uses permitted within the HD-2 District shall be subject to the Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.
 - a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
 - b. Commercial parking lots and garages.
 - c. Medical laboratories, surgical and medical supply firms, hospital and sickroom equipment sales and rental.
 - d. Nursing, convalescent and retirement homes.
 - e. Offices for physicians, dentists, and other professions dealing with public health.

- f. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
- g. Other similar hospital-related or oriented uses.

B. Site and Development Plan Consideration. No use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 or HD-2 District for any purpose other than lawfully existed on or prior to July 17, 1968 until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Commission unless enumerated in Section 2.02, B,3 D (Specific Exemptions - Administrator's Approval).

The Commission shall prescribe in its Rules of Procedure the requirements for an Approval Petition for site and development plan consideration which shall be filed. In addition, the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

1. Plan Documentation and Supporting Information. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
 - a. Proposed Hospital District uses.
 - b. Any existing uses, buildings and structures.
 - c. Proposed buildings and structures.
 - d. Off-street parking layouts.
 - e. Vehicular entrances and exits and turn-off lanes.
 - f. Setbacks.
 - g. Landscaping, screens, walls, fences.
 - h. Signs, including location, size and design thereof.
 - i. Sewage disposal facilities.
 - j. Storm drainage facilities.
 - k. Other utilities if above ground facilities are needed.
2. Site and Development Requirements. Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the Commission shall assess whether said Such site and development plan, proposed use, and buildings or and structures shall:

- a. be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana.
- b. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;
- c. provide sufficient and adequate access, parking and loading areas:
- d. provide traffic control and street plan integration with existing and planned public streets and interior roads;
- e. provide adequately for sanitation, drainage and public utilities; and
- f. allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and

proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, or conditions, or commitments thereon at any public hearing of the Commission.

3. Commission Findings. The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section. The written findings shall be based upon the requirements of Section 2.02, B, 2 above. The President or Secretary of the Commission shall be responsible for signing the written findings.

C. *Public Notice.*

~~HD-1 District: Public notice of the hearing a public hearing of the Commission regarding such petition site and development plan approval shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request. In addition, the owner/petitioner filing such plan shall have the right to appear and be heard.~~

~~HD-2 District: Public notice of the hearing a public hearing of the Commission regarding such petition site and development plan approval, and notice by the petitioner to adjoining land owners (including, additionally, the major hospital of the adjacent HD-1 District) shall be required in accordance with the Commission's Rules of Procedure. In addition, the major hospital of the adjacent HD-1 District shall also receive public notice of the hearing by the petitioner.~~

~~2. Improvement Location Permit Requirements. No building or structure shall be erected in the HD-1 or HD-2 District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the Commission, unless exempt under Section 2.02, B, 3 below. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.~~

~~3D. Specific Exemptions - Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the HD-1 and HD-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply. The Administrator shall be required to use the standards of Section 2.02, B, 2 in the review and disposition of such structures and improvements.~~

1. Administrator's Approval.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area.
- c. Accessory structures permitted in connection with residential development.
- d. Landscaping.
- e. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended).

2. Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition.

Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in Section 2.02, B, 3.

2E. Improvement Location Permit Requirements. No building or structure shall be erected in the HD-1 or HD-2 District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the Commission, unless exempt under Section 2.02, B, 3 below. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

€F. Hospital District Development Standards. All development within the Hospital Districts shall be in accordance with the site and development plan, as approved by the Commission in accordance with this Section, 2.02, B.

Sec. 2.03. University Quarter District Regulations

A. Permitted University Quarter District Use.

1. Permitted University Quarter One (UQ-1) Uses.

- a. University Uses, provided, however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 DISTRICT, the Commission's approval shall be required unless enumerated in Section 2.03, A, 3, D (Specific Exemptions - Administrator's Approval).

The petition for such UQ-1 approval shall include a site and development plan. ~~The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner shall have the right to appear and be heard. The proposed use, building or structure and site and development plan shall:~~

- ~~(1) be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;~~
- ~~(2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;~~
- ~~(3) provide sufficient and adequate access, parking and loading areas;~~
- ~~(4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;~~
- ~~(5) provide adequately for sanitation, drainage and public utilities; and~~
- ~~(6) allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.~~

2. Permitted University Quarter Two (Butler University) (UQ-2[B]) Uses.

- a. Any use permitted in the D-5 Dwelling District, subject to all standards, requirements and regulations of Section 2.07 of the Dwelling Districts Zoning Ordinance (D-5 Dwelling District 5 Regulations), 89-AO-2, as amended. Neither Commission nor Administrator's Approval shall be required for permitted uses in this district, so long as all standards of the Dwelling Districts Zoning Ordinance for D-5 District development are satisfied.

- b. University-related group dwelling use. (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such University-related group dwelling use shall be subject to the Commission's approval, as hereinafter provided, unless enumerated in Section 2.03, A, 3, D (Specific Exemptions - Administrator's Approval), and subject to the development standards of Section 2.03, B F.

The petition for UQ-2(B) University-related group dwelling use approval shall include a site and development plan. ~~The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice thereof and notice by the petitioner to adjoining land owners in accordance with the Commission's Rules of Procedure shall be required. The proposed use, building or structure, and site and development plan shall:~~

- ~~(1) be so designed as to create a superior land development plan, in conformity with the Comprehensive plan of Marion County, Indiana, including the applicable University Quarter Plan;~~
- ~~(2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;~~
- ~~(3) indicate sufficient and adequate access, parking and loading areas — except, however, such primary GROUP DWELLING parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 DISTRICT;~~
- ~~(4) provide adequately for sanitation, drainage and public utilities; and~~
- ~~(5) allocate adequate sites for all uses proposed — the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.~~

B. Site and Development Plan Consideration. The Commission shall prescribe in its Rules of Procedure the requirements for an Approval Petition for site and development plan consideration which shall be filed. In addition the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

1. Plan Documentation and Supporting Information. Land in the UQ-1 and UQ-2 Districts is subject to the following site and development requirements.

Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed University Quarter District uses.
- b. Any existing uses, buildings and structures.
- c. Proposed buildings and structures.
- d. Off-street parking layouts.
- e. Vehicular entrances and exits and turn-off lanes.
- f. Setbacks.
- g. Landscaping, screens, walls, fences.
- h. Signs, including location, size and design thereof.
- i. Sewage disposal facilities.
- j. Storm drainage facilities.
- k. Other utilities if above ground facilities are needed.

2. Site and Development Requirements. In review of the proposed site and development plan, the Commission shall assess whether said site and development plan. ~~The proposed uses, buildings or structures and site and development plan shall:~~

- 1 a. be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- 2 b. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- 3 c. provide sufficient and adequate access, parking and loading areas; except, however, such primary Group Dwelling parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
- 4 d. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. provide adequately for sanitation, drainage and public utilities; and,
- f. allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.

The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements, ~~or conditions,~~ or commitments thereon at any public meeting of the Commission.

3. Commission Findings. The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section. The written findings shall be based upon the requirements of Section 2.03, B, 2 above. The President or Secretary of the Commission shall be responsible for signing the written findings.

C. Public Notice.

UQ-1 District: Public notice of such petition thereof shall not be required; ~~however, the owner/petitioner shall have the right to appear and be heard.~~

UQ-2(B) District. Public notice of the hearing regarding such petition shall be required thereof ~~and notice by the petitioner to adjoining land owners~~ in accordance with the Commission's Rules of Procedure ~~shall be required.~~

3D. Specific Exemptions - Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the UQ-1 and University-related group dwelling uses (dormitory or fraternal organization), permitted in the UQ-2(B) Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply. The Administrator shall be required to use the standards of Section 2.03, B, 2 in the review and disposition of such structures and improvements.

1. Administrator's Approval.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area (UQ-1 District only).
- c. Landscaping.

d. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended).

2. Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition. Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in Section 2.03, B, 3.

E. Improvement Location Permit Requirements. No building or structure shall be erected in the UQ-1 or UQ-2(B) District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed University Quarter District use or uses and plans for such building or structure, shall have been approved by the Commission, unless: 1) such building or structure complies with Section 2.03, A, 2, a; or, is exempt under Section 2.03, D. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

BE. University Quarter District Development Standards.

1. *Development Standards - UQ-1 District.*

a. *Setback lines and minimum yards.*

(1) Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A of the Dwelling District Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.

(2) Minimum side and rear yards: fifteen (15) feet or one (1) foot for each foot of building height, whichever is greater.

b. *Maximum building area.* Building area (as defined in Section 2.25 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.

c. *Maximum height.* Thirty-five (35) feet

2. *Development Standards - UQ-2(B), University-related group dwelling uses.*

a. *Setback lines and minimum yards.*

(1) Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A of the Dwelling District Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.

(2) Minimum side and rear yards: fifteen (15) feet or one (1) foot for each foot of building height, which ever is greater.

b. *Maximum building area.* Building area (as defined in Section 2.25 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.

c. *Maximum height.* Thirty-five (35) feet

Sec. 2.04. Special Use District Regulations.

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

A. *Applicability of Regulations for Special Use (SU) Districts.* After the effective date of this ordinance:

1. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Neighborhood and Development Services Division or approved by said Metropolitan Development Commission, as hereinafter provided. Said request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of the Improvement Location Permit Ordinance (68-AO-11, as amended) and shall contain the information specified in Section 2.04, B, 1.

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

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

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

~~2. 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.~~

32. All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this ordinance or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that District.

B. Site and Development Plan Consideration. Upon the application for such permit, the Administrator of the Neighborhood and Development Services Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments agreed to by the applicant, the proposed site and development plan and landscape plan.

1. Plan Documentation and Supporting Information. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
 - a. Proposed Special Use District uses.
 - b. Any existing uses, buildings, and structures.
 - c. Proposed buildings and structures.
 - d. Off-street parking layout.
 - e. Vehicular entrances and exits and turn-off lanes.
 - f. Setbacks.
 - g. Landscaping, screens, walls, fences.

- h. Signs, including location, size and design thereof.
 - i. Sewage disposal facilities.
 - j. Storm drainage facilities.
 - k. Other utilities if above ground facilities are needed.
2. Site and Development Requirements. Land in the SU Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the Commission shall assess whether said site and development plan, proposed uses, buildings and structures shall:

- a. be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- b. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
- c. provide sufficient and adequate access, parking and loading areas;
- d. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. provide adequately for sanitation, drainage and public utilities; and
- f. allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

C. Public Notice. Public notice of the filing of an application under this section and public notice of the decision by the Administrator relative to such application shall not be required.

D. Administrator's Approval. The Administrator shall be required to use the standards of Section 2.04, B, 2, and Section 2.04, F in the review and disposition of such structures and improvements.

Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition. Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal decision, the Commission shall make written findings of its decision as required in Section 2.03, B, 3.

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

BF. Development Standards. In addition to the site and development requirements of Section 2.04, B, 2, All uses permitted within the Special Use Districts shall be administratively reviewed (as noted in Section 2.04, A, 1), using as an administrative guide, the development standards applicable to the specified District as follows:

<u>Special Use Zoning District</u>	<u>Applicable District For Development Standards Compliance-Review</u>
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per Section 2.04, <u>CG</u>)
SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	I-5-S
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	I-5-S
SU-42	C-1 (And as per Section 2.04, <u>DH</u>)
SU-43	I-1-S
SU-44	C-3 (G.O. 92, 1994) (And as per Section 2.04, <u>EI</u>)

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

CG. *Additional Development Standards for the Special Use XIII (SU-13) District.* In addition to the regulations of Section 2.00, A and B, and Section 2.04 A ~~and B~~ through E, the following regulations shall apply to Special Use District XIII (SU-13):

1. *Land use restriction.* Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in Section 2.05, B. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District. "Open Dumping", as defined in Section 2.05, B, shall not be permitted in the SU-13 District. No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.
2. *Minimum lot area.* Ten (10) acres.
3. *Minimum frontage.* Three hundred (300) feet.
4. *Minimum yards.* Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.

No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.
5. *Fencing.* The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.

6. *Buffer Strip.* A buffer planting strip, requiring trees, shrubs and woody vegetation, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
8. *Access Drive.* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet.

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

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

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

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

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

- (2) An area map.

10. *Operation.*

- a. *Supervision of operation.* A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.
- b. *Unloading of refuse.* Unloading of refuse shall be continuously supervised.

- c. Site maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
 - d. Spreading and compacting of refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.
 - e. Daily cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
 - f. Final cover. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
 - g. Maintenance of cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
 - h. Hazardous materials, including liquids and sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
 - i. Burning. No refuse shall be burned on the premises.
 - j. Salvage. Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
 - k. Insect and rodent control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
 - l. Drainage of surface water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
 - m. Characteristics of cover material. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
 - n. Water pollution and nuisance control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.
 - o. Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.
11. *Completion of landfill.* Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:

- a. result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
- b. minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

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

DH. *Additional Development Standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of Section 2.00, A and B, and Section 2.04 A ~~and B~~ through F, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The requirements pertaining to the storage, utilization or manufacture of all products or materials contained in the standards prescribed by the National Fire Protection Association are hereby incorporated into this ordinance by reference and made a part hereof. ~~a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.~~ Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation. The Atomic Energy Commission's standards for protection against radiation are hereby incorporated into this ordinance by reference and made a part hereof. ~~a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.~~
3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation. The Federal Communications Commission's standards governing electromagnetic radiation is hereby incorporated into this ordinance by reference and made a part hereof. ~~a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.~~
4. No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street ~~or highway~~.
5. All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred-thirty [330] square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where said lot boundary abuts an active railroad line. Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.
6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the

greater, and in the event the abutting land is in an Industrial or Commercial District, the front yard shall be not less than sixty (60) feet in depth. Provided further that in the event said lot adjoins a Dwelling District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of said

Dwelling District, said fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten percent (10%) of the front yard area, a front yard shall be planted in grass or other suitable ground cover.

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

~~§~~ Additional Regulations Applicable to Special Use XXXXIV (SU-44) District (G.O. 92, 1994). In addition to the regulations of Section 2.00 A and B, and Section 2.04 A ~~and B~~ through E, the following regulations shall apply to Special Use District XXXXIV (SU-44):

1. *Permitted Uses*. The only commercial activities permitted in this district shall be:

- ~~a.~~ pari-mutuel wagering on horse races, ~~and~~
- ~~b.~~ providing full service dining facilities

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

2. *Development Standards*.

- a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.
- b. No drive-through service or outside sales shall be permitted.
- c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.
- d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.
- e. No accessory structures shall be permitted.

f. Lighting of parking area.

- (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
- (2) In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
- (3) Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
- (4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal footcandles specified in Architectural Graphics Standards for lighting levels for outdoor parking areas are hereby incorporated into this ordinance by reference and made a part hereof, a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof.
- (5) Further, it shall be prohibited to:
 - (a) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
 - (b) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

g. Signs. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4, as amended).

3. No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:
 - a. Dwelling Districts,
 - b. Historic Preservation Districts,
 - c. Park Districts,
 - d. University Quarter Districts,
 - e. SU-1 District (Church),
 - f. SU-2 District (School),
 - g. SU-37 District (Library),
 - h. SU-38 District (Community Center).

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

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

Sec. 2.05 Construction of Language and Definitions.

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

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

B. *Definitions.*

1. *Administrator.* Administrator of the Neighborhood and Development Services Division or his/her appointed representative. Where the 1400 series of IC-36-7-4 gives authority to perform a function to Commission staff, the administrator, or his/her appointed representative, shall be deemed to be Commission staff.
2. *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.
3. *Commission.* The Metropolitan Development Commission of Marion County, Indiana.
4. *Commitment.* An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
5. *Condition.* An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.
6. *Gross floor area.* The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of wall separating two abutting buildings.
27. *Hardsurfaced.* Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
8. *Height building.* The vertical distance above a reference line measured to the highest point of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
 - a. the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade;

- b. an elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
9. Legally established or non-conforming reason of building or structure. Any continuous, lawfully established building or structure erected or granted 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.
10. Legally established non-conforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or grant a variance of the zoning ordinance but which fails, by reason of such adoption, revision, or amendment, or variance to conform to the present requirements of the zoning district.
- 3 11. Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.
- 4 12. Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.
- 5 13. Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot any, any lot line which intersects with a front lot line shall not be considered a rear lot line.
- 6 14. Lot line, side. Any lot line not designated as a front or rear lot line.
- 7 15. Open dumping. A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.
16. Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
- 8 17. Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
- 9 18. Sanitary landfill. A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
19. Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line.
20. Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line.
21. Site plan. The plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot including as required by the Improvement Location Permit Ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.
22. Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
23. Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of

freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

~~10-24~~ *Yard, front.* An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

~~11-25~~ *Yard, rear.* An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

~~12-26~~ *Yard, side.* An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

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.

Proposal No. 751, 1995 was retitled GENERAL ORDINANCE NO. 204, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 204, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-13A
THE WELLFIELD PROTECTION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

AN ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wellfield Protection Zoning Ordinance, 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 Wellfield Protection Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Number 95-AO-6), be amended as follows:

A. That Section 2.02, A, 1. be amended by inserting the underscored language as follows:

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, which, when allowed by IC 36-7-4-923, shall be heard 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.

B. That Section 2.02, C, 1. be amended by deleting the language noted with strikeouts and inserting the underscored language as follows:

1. A petition for Special Exception to permit any use designated in Sec. 2.02, A, shall be filed in accordance with the:

The Rules of Procedure for the Hearing Officer of the Metropolitan Board of Zoning Appeals for Indianapolis/ Marion County, or

The Rules of Procedure of the Board of Zoning Appeals of the applicable Excluded Cities Rules of Procedure if the petition pertains to real property located in an Excluded City.

SECTION 2. If any section of this ordinance shall be 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.

SECTION 3. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

Proposal No. 752, 1995 was retitled GENERAL ORDINANCE NO. 205, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 205, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-13B
THE WELLFIELD PROTECTION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

AN ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wellfield Protection Zoning Ordinance, 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 Wellfield Protection Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission docket Number 95-AO-6), be amended as follows:

A. That Section 4.00 be amended by deleting the language noted with strikeouts and inserting the underscored language as follows:

Section 4.00. Expiration. This ordinance expires on ~~July 1, 1996~~ December 31, 1996.

SECTION 2. If any section of this ordinance shall be 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.

SECTION 3. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

PROPOSAL NO. 531, 1995. The proposal empowers the Board of Capital Asset Management to promulgate rules and regulations concerning the administration of public construction contracts. Councillor Gilmer moved, seconded by Councillor Short, to return Proposal No. 531, 1995 to Committee. This motion passed by unanimous voice vote.

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 729, 730, 732, 733, 734, 735, 736, and 737, 1995 on November 8, 1995. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

PROPOSAL NO. 729 , 1995. The proposal, sponsored by Councillor Borst and Brents, removes traffic signal at Morris Street and Union Street (Districts 16, 25). PROPOSAL NO. 730, 1995. The proposal, sponsored by Councillor Borst, removes traffic signal at Palmer Street and Union Street (District 25). Councillor Gilmer moved, seconded by Councillor Borst, for adoption. Proposal Nos. 729 and 730, 1995 were adopted on the following roll call vote; viz:

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

Proposal No. 729, 1995 was retitled GENERAL ORDINANCE NO. 206, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 206, 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>
32, Pg. 16	Morris St, Union St	None	Signal

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>
32, Pg. 16	Morris St, Union St	Morris 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. 730, 1995 was retitled GENERAL ORDINANCE NO. 207, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 207, 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>
32, Pg. 17	Palmer St, Union St	None	Signal

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>
32, Pg. 17	Palmer St, Union St	None	All Way Stop

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

PROPOSAL NO. 732, 1995. The proposal, sponsored by Councillor Rhodes, authorizes a multi-way stop at 68th Street and Riley Avenue (District 7). PROPOSAL NO. 733, 1995. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at Brookville Road and Worcester Avenue (District 15). PROPOSAL NO. 734, 1995. The proposal, sponsored by Councillor Short, authorizes a multi-way stop at Caven Street and Kennington Street (District 21). PROPOSAL NO. 735, 1995. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at Drexel Avenue and 13th Street (District 15). Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal Nos. 732, 733, 734, and 735, 1995 were adopted on the following roll call vote; viz:

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

Proposal No. 732, 1995 was retitled GENERAL ORDINANCE NO. 208, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 208, 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. 8	68th St, Riley Av	Riley Av	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. 8	68th St, Riley Av	None	All Way Stop

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

Proposal No. 733, 1995 was retitled GENERAL ORDINANCE NO. 209, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 209, 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>
26, Pg. 9	Brookville Rd, Worcester Av	Brookville Rd	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>
26, Pg. 9	Brookville Rd, Worcester Av	None	All Way Stop

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

Proposal No. 734, 1995 was retitled GENERAL ORDINANCE NO. 210, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 210, 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 addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32, Pg. 9	Caven St, Kennington St	Caven St	Stop

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

Proposal No. 735, 1995 was retitled GENERAL ORDINANCE NO. 211, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 211, 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>
26, Pg. I5	Drexel Av I3th St	Drexel Av	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>
26, Pg. I5	Drexel Av I3th 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. 736, 1995. The proposal, sponsored by Councillors Brents, Shambaugh, Gray, and Gilmer, authorizes parking restrictions on Lafayette Road on both sides from 16th Street to

I-65 (Districts 16, 8, 9, 1). PROPOSAL NO. 737, 1995. The proposal, sponsored by Councillor Williams, removes parking restrictions on Alabama Street from a point 70 feet south of St. Joseph Street to a point 50 feet north of St. Joseph Street (District 22). Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal Nos. 736 and 737, 1995 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Short*

2 ABSENT: *Moriarty Adams, Schneider*

Proposal No. 736, 1995 was retitled GENERAL ORDINANCE NO. 212, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 212, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the addition of the following, to wit:

Lafayette Road, on both sides,
from Sixteenth Street to I-65

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

Proposal No. 737, 1995 was retitled GENERAL ORDINANCE NO. 213, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 213, 1995

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

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

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

Alabama Street, on the east side,
from a point 70 feet south of St. Joseph Street
to a point 50 feet north of St. Joseph Street

Alabama Street, on the west side,
from a point 50 feet south of St. Joseph Street
to a point 70 feet north of St. Joseph Street

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

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Beadling in memory of Jerry Daniels; and
- (2) Councillor Boyd in memory of Dewitt Banks, Charles Holifield, Virginia Langley, and Willard B. Ransom.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Jerry Daniels, Dewitt Banks, Charles Holifield, Virginia Langley, and Willard B. Ransom. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:22 p.m.

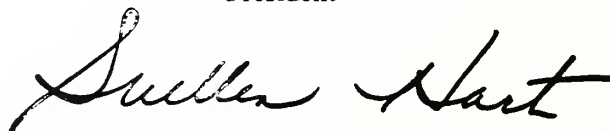
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 20th day of November, 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)