

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

**REGULAR MEETINGS
MONDAY, APRIL 5, 1999**

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 7:19 p.m. on Monday, April 5, 1999, with Councillor SerVaas presiding.

Councillor Tilford 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: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams
2 ABSENT: Bradford, Smith

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Black recognized Deputy Chiefs James Campbell and John Bent.

OFFICIAL COMMUNICATIONS

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

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

Journal of the City-County Council

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, April 5, 1999, 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

March 16, 1999

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 *Court & Commercial Record* and in the *Indianapolis Star* or the *Indianapolis News* on Friday, March 19, 1999, a copy of a Notice of Public Hearing on Proposal Nos. 193, 194, 196, 197, 199, 200, 202, and 221, 1999, said hearing to be held on Monday, April 5, 1999, at 7:00 p.m. in the City-County Building.

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

March 19, 1999

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 and resolutions:

FISCAL ORDINANCE NO. 29, 1999 - approves an increase of \$8,554,351 in the 1999 Budget of the Department of Metropolitan Development, Division of Community Development and Financial Services (Federal Grants Fund) to provide affordable housing and economic development opportunities for the citizens of Indianapolis financed by federal grants

FISCAL ORDINANCE NO. 30, 1999 - approves an increase of \$2,000,000 in the 1999 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to construct a new family aquatic center in William S. Sahn Park financed by fund balances

FISCAL ORDINANCE NO. 31, 1999 - approves an increase of \$70,950 in the 1999 Budget of the Cable Communications Agency (Consolidated County Fund) to replace outdated video playback equipment for Channel 16, funded by a Public/Educational/Government (PEG) grant

FISCAL ORDINANCE NO. 32, 1999 - approves an increase of \$2,157,308 in the 1999 Budget of the Department of Parks and Recreation (Park General Fund) to complete various park improvements including the Indianapolis Housing Agency sport courts, Greenways trails, Garfield Park Conservatory facade, and Juan Solomon Park low water crossing, financed by grants from Lilly Endowment, Inc.

GENERAL ORDINANCE NO. 35, 1999 - authorizes a traffic signal for the Indiana Convention Center Drive and West Street (District 16)

GENERAL ORDINANCE NO. 36, 1999 - amends the Revised Code concerning possession and use of alcoholic beverages or controlled substances on properties under the jurisdiction or control of the Department of Parks and Recreation

GENERAL ORDINANCE NO. 37, 1999 - amends the Revised Code concerning the Board of Asset Management and Public Works

GENERAL ORDINANCE NO. 38, 1999 - authorizes parking restrictions on College Avenue near North Street (District 22)

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GENERAL ORDINANCE NO. 39, 1999 - authorizes 55 degree parking on Vermont Street from Meridian Street to Pennsylvania Street (District 16)

GENERAL ORDINANCE NO. 40, 1999 - authorizes a change in parking restrictions on Limestone Street near New York Street (District 16)

GENERAL ORDINANCE NO. 41, 1999 - authorizes a change in parking restrictions on Arsenal Avenue between Washington Street and Williams Street (Districts 21)

GENERAL ORDINANCE NO. 42, 1999 - authorizes a weight limit restriction for Lockerbie Street from East Street to Park Avenue (District 22)

GENERAL ORDINANCE NO. 43, 1999 - authorizes a multi-way stop at 40th Street and Bolton Avenue (District 14)

GENERAL ORDINANCE NO. 44, 1999 - authorizes a multi-way stop at Dry Den Drive, Epperson Drive, and Old Mill Drive (District 19)

GENERAL RESOLUTION NO. 1, 1999 - approves the issuance of Refunding Bonds in an aggregate original issued amount not to exceed \$47,500,000 and the execution and delivery of the Taxpayer Agreement Amendments (Harding Street Project)

SPECIAL RESOLUTION NO. 16, 1999 - recognizes the public service of Kimberly Didier

SPECIAL RESOLUTION NO. 17, 1999 - recognizes the Indianapolis Municipal Band

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1999 - approves an increase of \$308,730 in the 1999 Budget of the Department of Public Works, Contract Compliance Division (Solid Waste Collection Service District Fund) to fund new street sweeping contracts financed by fund balances

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Gilmer asked for consent to move Loading Zone Resolution Nos. 2-72, 1999 after the public hearing of Proposal No. 221, 1999, Rezoning Case No. 98-Z-212. The President stated that the attorneys and representatives of both sides of the rezoning case are meeting presently in his conference room to come up with a settlement so that the case will not have to be heard on the Council floor. He asked for consent to move Loading Zone Resolution Nos. 2-72, 1999 after Priority Business and the other rezoning cases. Consent was given.

The President stated that Councillor Boyd has agreed to postpone his National League of Cities presentation until the next Council meeting due to the rezoning hearing scheduled for this evening.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of March 15, 1999. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 241, 1999. The proposal, sponsored by Councillors Moores, Smith, Dowden, Curry, and Borst, recognizes the public service of Paul Annee. Councillor Moores read the proposal and presented Mr. Annee with a copy of the document and a Council pin. Councillors Curry, Dowden, and Borst thanked Mr. Annee for his service and wished him well in future endeavors. Mr. Annee thanked the Council for the honor and stated that he will treasure his time with the City. He also thanked his family and former deputy chiefs, along with former Indianapolis Police Department (IPD) Chief Joseph McAtee and former Mayor Bill Hudnut for creating opportunities for him to serve the City. Councillor Moores moved, seconded by Councillor Dowden, for adoption. Proposal No. 241, 1999 was adopted by a unanimous voice vote.

Proposal No. 241, 1999 was retitled SPECIAL RESOLUTION NO. 18, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1999

A SPECIAL RESOLUTION recognizing the public service of Paul A. Annee.

WHEREAS, Paul A. Annee has served honorably and with distinction in a career with the Indianapolis Police Department, which spanned from rookie patrolman in 1965 to Chief of Police from 1986 to 1991; and

WHEREAS, he is a lifelong Indianapolis Southsider, having graduated from Sacred Heart and what is now the University of Indianapolis and resided there with his wife Gloria, his three children Terry, Paul Jr., and Michelle, and

WHEREAS, Paul Annee as Chief of Police while commanding a department of 1,400 employees and an annual budget of \$53 million, also introduced three satellite police stations into the neighborhoods and a participatory management program; and

WHEREAS, he was the only American law enforcement officer to meet personally with Fidel Castro in 1986 in Havana to convince Castro to bring his country's athletes to compete in the Pan American Games in Indianapolis 1987; and

WHEREAS, Paul A. Annee served as the chairman of the 1987 Pan American Games Law Enforcement Council and shepherded the games to safe, secure and successful run in Indianapolis; and

WHEREAS, Paul A. Annee is a graduate of the National Executive Institute at the FBI Academy and was named "Man of the Year" by the Indianapolis Star News; 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 Paul Annee for his 34 years of exemplary public safety service with the Indianapolis Police Department.

SECTION 2. The Council wishes him the best of health and happiness for many years to come in his new endeavor.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature thereto.

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

PROPOSAL NO. 242, 1999. The proposal, sponsored by Councillor Talley, recognizes 100 Black Men of Indianapolis, Inc. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. John Ennis, member of 100 Black Men, thanked the Council for the recognition, described the goals of 100 Black Men, and asked members present to introduce themselves. Councillor Talley moved, seconded by Councillor Gray, for adoption. Proposal No. 242, 1999 was adopted by a unanimous voice vote.

Proposal No. 242, 1999 was retitled SPECIAL RESOLUTION NO. 19, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1999

A SPECIAL RESOLUTION recognizing 100 Black Men of Indianapolis, Inc.

WHEREAS, the idea of 100 Black Men was born in New York City in the 1960's when a group of successful men from business, government and the professions decided to pool their skills and resources to improve the quality of life for others, especially minority young people; and

WHEREAS, a national federation of 100 Black Men was later organized and in 1984 Indianapolis became the fourth of what is now over 90 such local organizations; and

WHEREAS, volunteers of 100 Black Men of Indianapolis, Inc. have served as mentors and role models, starting with IPS schools 27 and 45, and later expanding to other IPS schools; and

WHEREAS, the local organization has created a Scholastic Basketball competition with points made from scholastic effort, conduct and attendance as well as from scoring baskets, an Indy Roundball Invitational Tournament, Black History competition, and sponsors 14 teams of Douglass Little League Baseball; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the positive role model influence work of the 100 Black Men of Indianapolis, Inc. during the past 15 years.

SECTION 2. Since 1984, without publicity and fanfare, the organization's men have quietly been going about the business of sowing seeds of self-respect and decency in young minds in Indianapolis.

SECTION 3. The Council wishes 100 Black Men the best of success in the future.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 243, 1999. The proposal, sponsored by Councillor Curry, recognizes WCTY/Channel 16-TV Producer Alan Dhayer for the award-winning documentary video *Crackback: One Neighborhood at a Time*. Councillor Curry read the proposal and presented Mr. Dhayer with a copy of the document and a Council pin. Rick Maultra, General Manager for Channel 16, thanked Mr. Dhayer for his efforts and stated that the station is very proud of his achievement. Mr. Dhayer thanked the Council for the recognition and recognized Beverly Phillips from the Prosecutor's Office for her assistance in creating the documentary. Councillor Curry moved, seconded by Councillor Moores, for adoption. Proposal No. 243, 1999 was adopted by a unanimous voice vote.

Proposal No. 243, 1999 was retitled SPECIAL RESOLUTION NO. 20, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 1999

A SPECIAL RESOLUTION recognizing WCTY/Channel 16-TV Producer Alan Dhayer for the award-winning documentary video *Crackback: One Neighborhood at a Time*.

WHEREAS, WCTY/Channel 16 is the Indianapolis government access television station which is carried by both Time-Warner and Comcast Cablevision systems; and

WHEREAS, last summer Channel 16 Producer Alan Dhayer conceived the idea of filming a documentary that would take a hard look at the crack cocaine problem, and, teaming up with Marion County Prosecutor Scott Newman's office, proceeded to examine the problem from first person perspectives of neighborhood drug marches, street police officers, everyday citizens and deputy prosecutors who prosecute drug cases in court; and

WHEREAS, the new 30-minute video *Crackback: One Neighborhood at a Time* was well received as a visual aid for deputy prosecutors speaking in neighborhood meetings about drugs, WAV-TV53 and the Speedway Government Access Channel showed it, neighborhood and civic groups requested copies of the video as a focal point for organizing several new Crime Watch block clubs; and

WHEREAS, on March 24th, WCTY/Channel 16 was one of only two television outlets to win the CASPER Award by the United Way of Central Indiana for outstanding work in interpreting human services issues and resources; 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 WCTY/Channel 16 Producer Alan Dhayer and his WCTY colleagues, and the staff of Marion County Prosecutor Scott Newman who assisted in creating the award-winning documentary film *Crackback: One Neighborhood at a Time*.

SECTION 2. The Council and city welcomes this new information tool that is available to attack the illegal drug trade that burdens Indianapolis along with other urban and rural areas of America.

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.

Councillor McClamroch reported that Proposal Nos. 93, 144, 158, and 159, 1999 are all appointments that passed out of their respective Committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 93, 1999. The proposal, sponsored by Councillor Hinkle, approves the Mayor's appointment of Eugene Lausch to serve as Director of the Department of Metropolitan Development. PROPOSAL NO. 144, 1999. The proposal reappoints Arno Haupt to the Board of Asset Management and Public Works. PROPOSAL NO. 158, 1999. The proposal appoints Eric D. Jones to the Urban Enterprise Association. PROPOSAL NO. 159, 1999. The proposal appoints James M. Roberts to the Urban Enterprise Association. Councillor McClamroch moved, seconded by Councillor Hinkle, for adoption. Proposal Nos. 93, 144, 158, and 159, 1999 were adopted by a unanimous voice vote.

Proposal No. 93, 1999 was retitled COUNCIL RESOLUTION NO. 46, 1999, and reads as follows:

April 5, 1999

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 1999

A COUNCIL RESOLUTION approving the Mayor's appointment of Eugene Lausch as Director of the Department of Metropolitan Development for a term ending December 31, 1999.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Eugene Lausch to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 1999; now, therefore:

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

SECTION 1. Eugene Lausch is approved and confirmed by the City-County Council to serve as Director of the Department of Metropolitan Development at the pleasure of the Mayor for a term ending December 31, 1999.

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

Proposal No. 144, 1999 was retitled COUNCIL RESOLUTION NO. 47, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 1999

A COUNCIL RESOLUTION reappointing Arno Haupt to the Board of Asset Management and Public Works.

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

SECTION 1. As a member of the Board of Asset Management and Public Works, the Council appoints:

Arno Haupt

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1999. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 158, 1999 was retitled COUNCIL RESOLUTION NO. 48, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 1999

A COUNCIL RESOLUTION appointing Eric D. Jones to the Urban Enterprise Association.

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 Urban Enterprise Association, the Council appoints:

Eric D. Jones

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 159, 1999 was retitled COUNCIL RESOLUTION NO. 49, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 1999

A COUNCIL RESOLUTION appointing James M. Roberts to the Urban Enterprise Association.

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 Urban Enterprise Association, the Council appoints:

James M. Roberts

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 30, 1999. The proposal reappoints Felicia Triggs to the Urban Enterprise Association. Councillor Borst moved to consider and strike Proposal No. 30, 1999, which is listed under Pending Proposals. He stated that due to the passage of Proposal Nos. 158 and 159, 1999, there are no remaining open board member positions at the Urban Enterprise Association. Councillor Jones seconded the motion, and Proposal No. 30, 1999 was stricken by a unanimous voice vote.

Councillor O'Dell stated that each Councillor has before them a copy of a resolution regarding the library that he submitted to staff for introduction two weeks ago which did not make it onto the agenda. He asked for consent to bring this resolution before the Council for consideration this evening. General Counsel Robert Elrod stated that the Council rules specify that all proposals must be submitted for his approval five days prior to a Council meeting. He stated that this proposal never arrived to him for approval and that to consider such this evening, the President or Council must suspend the rules. Councillor O'Dell moved, seconded by Councillor Golc, to suspend the rules and allow the proposal to be introduced and brought before the Council this evening. The President stated that he would like Council members to have the opportunity to read the proposal before the matter is brought up for discussion. He asked for consent to move this matter later in the agenda. Consent was given.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 201, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$14,000,000 in the 1999 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund) to undertake design improvements to US 31 from Southern Avenue to Hanna Avenue, to widen Fall Creek from Shadeland Avenue to Emerson Way, and to make various transportation and traffic improvements on the public rights of way along US 31 and SR 37 inside I-465, formerly owned by State of Indiana, financed by fund balances"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 222, 1999. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,000,000 In the 1999 Budget of the Marion County Children's Guardian Home (General Fund-Guardian Home) to cover construction costs funded by County General Fund balances"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 223, 1999. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$6,800 in the 1999 Budgets of the County Surveyor and County Auditor (County General Fund) to pay for overtime work on behalf of IMAGIS"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 224, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,500,000 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to complete the upgrade of the Automated Fingerprint Identification System (AFIS), financed by federal funds to be transferred to the Indianapolis Police Department from the Marion County Sheriff's Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 225, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase \$1,808,849 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to fund part of the cost of hiring additional street police officers financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 226, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$121,500 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to implement the Indianapolis Police Department's Gang Resistance and Education Training program (G.R.E.A.T.) in partnership with the Indianapolis Public Schools, funded by a grant from the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 227, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an increase of \$3,066,852 in the 1999 Budget of the Department of Public Safety, Police Division (Police Service District Fund and Police Pension Fund) to pay part of the cost of hiring additional street police officers, purchase 126 laptop computers for current officers and new recruits, and pay overtime for additional Downtown patrols, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 228, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$660,620 in the 1999 Budgets of County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court (State and Federal Grants Fund) to continue the Marion County Drug Treatment Diversion Program funded by the Local Law Enforcement Block Grant III"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 229, 1999. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the borrowing of \$15,000,000 for purchase and an installation of hardware and software upgrades to the MECA system and its financing by the issuance of 'City of Indianapolis, Indiana, Public Safety Communications Systems and Computer Facilities Bonds, Series 1999 A' "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 230, 1999. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$30,000 to Indiana University for the purpose of providing educational access cable television programming in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 231, 1999. Introduced by Councillors Bradford and Williams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the borrowing of \$10,000,000 for (i) the Upper Canal Extension from St. Clair to 11th Street, (ii) the renovation and expansion of the fire station at 2960 N. Kenwood, and (iii) improvement and redevelopment associated with the Glendale Shopping Center, and its financing by issuance of 'City of Indianapolis, Indiana, Redevelopment District Revenue Bonds, Series 1999A' "; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 232, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Allisonville Road and Castle Creek Parkway (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 233, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Delegates Row and North River Road (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 234, 1999. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Westlane Road and Township Line Road (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 235, 1999. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Delaware Street and 70th Street, and at Park Avenue and 70th Street (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 236, 1999. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Holliday Drive East/Holliday Drive West/Wellington Road, and at Illinois Street and Wellington Road (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 237, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for 90th

Street and River Road, and for 90th Street and River Crossing Boulevard (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 238, 1999. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Balmoral Road and Haymount Drive (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 239, 1999. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Winchester Drive from Madison Avenue to Browning Drive, and on portions of Virginia Avenue near East Street (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 240, 1999. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Southern Avenue between Manker Street and Shelby Street (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 244, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which concerns a parking meter blackout on May 28, 1999, to encourage veterans and citizens to observe the Memorial Day activities"; and the President referred it to the Capital Asset Management Committee.

The President stated that Loading Zone Resolution Nos. 2-72, 1999 will be heard at this time. Councillor Gilmer stated that he would like to concede the floor to Councillor O'Dell to discuss the library proposal. He added that it seems to simply be a matter of inviting the library board to the April 8th Municipal Corporations Committee meeting.

Councillor Coughenour stated that before discussing this proposal, she has a problem with the April 8th date for the library board public hearing. She said that she has had a Public Works Committee meeting on the schedule for that evening since the beginning of the year, and this meeting will take away key committee members from attending a discussion of an item that has already been postponed several times.

Councillor McClamroch stated that the Council should simply vote on the motion to suspend the rules. He added that he will vote in opposition to this motion. In conferring with Councillor Moores, he feels the language of the proposal is confusing and it is not appropriate to adopt a resolution regarding a matter that is the subject of a lawsuit at this time.

Councillor Short stated that he is also opposed to suspending the rules, because the normal procedure is to introduce a resolution and then refer it to a Committee hearing before it is heard before the full Council. He added that suspending the rules would set a bad precedent.

Councillor O'Dell stated that this proposal was submitted two weeks ago within the proper time frame and meeting the proper criteria to be included on the agenda this evening. A staff error inadvertently caused the proposal not to be introduced, and he did not realize it was not on the agenda until meeting with Councillor SerVaas this afternoon.

Councillor Short called for the question on the motion to suspend the rules. The President called for a voice vote and ruled that the motion failed. Councillor O'Dell called for a division roll call vote. The motion to suspend the rules failed by the following roll call vote; viz:

11 YEAS: Black, Boyd, Brents, Franklin, Gilmer, Golc, Gray, Hinkle, O'Dell, Talley, Williams

16 NAYS: Borst, Cockrum, Coonrod, Coughenour, Curry, Dowden, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Tilford

0 NOT VOTING:

2 ABSENT: Bradford, Smith

[Clerk's Note: Original vote sheets showed Councillor Smith as voting. General Counsel ruled that the official vote could not portray an absent member as voting on any motions. The vote was changed by the Clerk to note Councillor Smith's absence.]

Councillor Williams stated that at the last Council meeting, she requested that General Counsel Robert Elrod use some methodology to bring the library issue before the Council. She said that it seems peculiar that no response has been made to that request and that Councillor O'Dell's proposal was inadvertently left off the agenda. She added that she does not understand why the Council cannot discuss this issue.

Councillor McClamroch stated that a public hearing has already been scheduled on Thursday, April 8, 1999, by the Municipal Corporations Committee, to which the library board has been invited. He stated that as a matter pending in the courts, it is not appropriate to issue a resolution to re-state the Council's position when the Council has already voted to deny a tax increase through budget proposals last year. He added that the property tax rate cannot be increased in the middle of the year, and this is a property tax issue that needs to be worked out between the courts and the Board of Tax Commissioners. This is a long-term problem with a library system that is too dependent on property taxes. The Council needs to simply work with the libraries to find a way to meet their needs, while maintaining a proper and prudent tax rate.

Councillor Williams stated that these matters need to be discussed in a forum other than budget presentations, and the Council needs to hear the wishes of the public.

The President stated that the library's increase was sustained by the courts, and any further development will have to go through an appellate procedure. The concern now is to concentrate on how this affects this year's budget and how the Council can work with the library to keep tax rates down.

Councillor Williams stated that the community benefits most by the court's decision and those residents she has heard from are happy with the appeal decision. She stated that this seems to be an issue that is becoming very controversial and she hopes the Council and library board can move forward in a positive manner.

Councillor Boyd stated that there also needs to be an opportunity to discuss the implications of the court ruling in regards to the rights of the Council to review municipal corporations' budgets.

SPECIAL ORDERS - UNFINISHED BUSINESS

RESOLUTION NO. 2, 1999 THROUGH AND INCLUDING RESOLUTION NO. 72, 1999, adopted by the Board of Asset Management and Public Works, establishing vehicle loading zones in the Regional Center, which resolutions were certified to the Council on February 17, 1999, pursuant to Sec. 621-423 of the Revised Code of the Consolidated City and County. Councillor Gilmer reported that Resolution Nos. 2-72, 1999 were referred to the Department of Capital Asset Management Committee in Council on March 15, 1999. By a 5-2 vote, the Committee reported the resolutions to the Council with the recommendation that they do pass.

Dennis Neidigh, Director of the Departments of Capital Asset Management (DCAM) and Public Works (DPW), stated that as a result of some of the committee comments, DCAM has modified the signs to add fines and to specify times when free parking is available and when loading zones are not normally in use. He added that the plan is to increase loading zones in the Downtown area from 40 to 71, make them more of a public rather than private loading zone, and enforce 20 minute parking time.

Captain Peter Bolles, IPD, stated that if passed, these resolutions will reallocate resources but not diminish services. He stated that IPD thinks there is sufficient manpower in the Downtown area dedicated to traffic enforcement to adequately service these loading zones.

Councillor Tilford asked from where the reallocated resources will come. Captain Bolles stated that IPD currently has two jeeps that work part of the time out of the Downtown area during rush hour traffic. Those two jeeps will be redirected to the Downtown area and the rush hour will be handled by solo cycles. A program to train district officers to tag abandoned vehicles is already in place. Nothing will be lost by bringing those two jeeps back Downtown full time. Councillor Tilford stated that this is the opposite of what was testified in committee. He asked if this reallocation is on a permanent basis or just for a short term. Captain Bolles stated that the department was already in the process of bringing those two jeeps back Downtown, mainly due to the traffic problem created by double and triple parking. These new loading zones will help solve that parking problem, and the jeeps can be used to enforce the zones.

Councillor Moriarty Adams asked who will run the clock on the 20-minute parking in loading zones. Captain Bolles stated that the traffic officers will chalk the tires and note the time the vehicle is parked and drive by again in 20 minutes. Councillor Moriarty Adams asked if there is sufficient manpower for the chalk method. Captain Bolles stated that he believes there is.

The President asked if there will be notification to vendors and businesses about this new loading zone system. Mr. Neidigh stated that all merchants and delivery companies will be notified, as well as the department conducting a very intensive media blitz.

Councillor Gilmer moved that Resolution No. 2, 1999 through and including Resolution No. 72, 1999, of the Board of Asset Management and Public Works be and are hereby ratified. Councillor Talley seconded the motion.

Councillor Tilford asked if the signs indicate that free parking is also allowed on holidays as well as after business hours. Mr. Neidigh stated that it is not indicated on the signs and the department will look at clarifying that.

Councillor Borst asked if, now that anyone can use the loading zones, what would happen if an individual parked in the zone and is not loading or unloading anything. Mr. Neidigh stated that personal vehicles abuse the zones now, and these resolutions may help to eliminate it by posting signs to designate as loading zones. Helen Brown, Indianapolis Downtown, Inc. (IDI), stated that the zones are not limited to specified delivery trucks, but the signs do have pictures of trucks on them so that individuals not loading or unloading will be discouraged from using the zones. She stated that this is a large transition, and the addition of loading zones will free up some parking meters that are being used as loading zones now.

Councillor Golc stated that he feels the use of these zones is ambiguous and enforcing use is labor intensive. He said that it seems the department is creating more issues, and it does not seem to be the best use of the officers' time. Mr. Neidigh stated that the department does not know the effectiveness of these zones yet, and it will take some time to see if this new system eliminates the problem of double and triple parking, and actually is enforceable.

Loading Zone Resolution Nos. 2-72, 1999 were ratified on the following roll call vote; viz:

22 YEAS: Black, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Williams
4 NAYS: Borst, Golc, Moriarty Adams, Tilford
1 NOT VOTING: Moores
2 ABSENT: Bradford, Smith

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 245, 1999, PROPOSAL NO. 246, 1999, and PROPOSAL NOS. 247 and 249-257, 1999. Introduced by Councillor Hinkle. Proposal No. 245, 1999, Proposal No. 246, 1999 and Proposal Nos. 247 and 249-257, 1999 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 1, 1999. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 57-68, 1999, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 57, 1999.
98-Z-154
3510 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 14
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 88.96 acres, being in the D-P District, to the PK-1 classification to provide for public park uses.

REZONING ORDINANCE NO. 58, 1999.
99-Z-15
7701 FIVE POINTS ROAD (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
REPUBLIC DEVELOPMENT CORP., by David A. Retherford, requests a rezoning of 63.197 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 59, 1999.

98-Z-247 (Amended)

2210 S. CHURCHMAN AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

TOM CANAVAN, by Edward Williams, requests a rezoning of 0.328 (±) acre, being in the D-5 District, to the C-4 classification to legally establish an existing motorcycle parts and related equipment sales facility, including the sale of motorcycle parts, accessories, and service.

REZONING ORDINANCE NO. 60, 1999.

99-Z-14

7820 COMBS ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

CDI, II, INC., by David A. Retherford, requests a rezoning of 16.22 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 61, 1999.

99-Z-26

336-362 WEST 10th STREET, 325-369 WEST 11th STREET, 350-410 WEST 11th STREET, 1015-1138 NORTH MISSOURI STREET, & 1002-1032 NORTH SENATE AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 7.6 acres, being in the CBD-S, I-3-U, & D-8 (RC) District, to the CBD-S (RC) classification to provide for health care and /or biotechnology related purposes including office space and administrative buildings.

REZONING ORDINANCE NO. 62, 1999.

99-Z-31

5301 WEST EPLER AVENUE (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #19

CROSSMAN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 14.18 acres, being in the SU-2 District, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 63, 1999.

99-Z-32

5702 MANN ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #19

METROPOLITAN SCHOOL DISTRICT OF DECATUR TOWNSHIP, by Stephan D. Mears, requests a rezoning of 14.18 acres, being in the D-4 District, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 64, 1999.

99-Z-33 (Amended)

8090 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

LEEPER ELECTRIC SERVICE, INC., by David F. McNamar, requests a rezoning of 1.4 acres, being in the C-6 District, to the C-S classification to provide for a retail lighting center and any C-3 or C-4 use.

REZONING ORDINANCE NO. 65, 1999.

99-Z-35

6702 MICHIGAN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

PRAISE FELLOWSHIP ASSEMBLY OF GOD, INC., by Stephen D. Mears, requests a rezoning of 3.06 acres, being in the D-6II District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 66, 1999.

99-Z-37

1551 NORTH POST ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

JOHN & JONNA CANGANY, by Stephen D. Mears, requests a rezoning of 1.15 acres, being in the D-A District, to the C-4 classification to provide for an existing automobile repair business.

REZONING ORDINANCE NO. 67, 1999.
99-CP-5Z

301 SOUTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
R & F DEVELOPMENT, by Thomas Michael Quinn, requests a rezoning of 1.08 acres, being in the D-A & D-2 District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 68, 1999.
99-CP-8Z (99-DP-4)

1501 RACEWAY ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19
BAY DEVELOPMENT CORPORATION, by Micheal D. Keele, requests a rezoning of 77.15 acres, being in the D-A District, to the D-P classification, to provide for single-family residential development.

Councillor Curry made the following motion:

Mr. President:

I move that Proposal No. 248, 1999 (Rezoning Case 99-Z-3) be scheduled for a hearing before this Council at its next regular meeting on April 26, 1999 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Gray stated that he is opposed to Councillor Curry calling out a zoning case in his district. He stated that he is not in favor of holding a public hearing on this issue. He has attended all of the neighborhood meetings and Councillor Curry has not. Therefore, Councillor Curry is not aware of all the issues surrounding this case, and should not call out a case he is not familiar with, when the Councillor in whose district it is located does not feel there is a need for a public hearing.

Councillor Coonrod stated that he recalls a zoning matter in his district a couple of years ago that Councillor Gray tried to call out for a public hearing. He added that Councillor Curry is an At-Large Councillor and should be allowed to call for a public hearing on a case in any district. Councillor Gray stated that the case he tried to call out in Councillor Coonrod's district was denied for the same reasons that he has given for opposing Councillor Curry's motion.

Councillor Gilmer stated that for years, this parcel of land was located in his district. He said that it is zoned the way it should be right now, and he believes the development is not the best use for that area. He is in favor of a public hearing, and he seconded Councillor Curry's motion to call out Proposal No. 248, 1999 for a public hearing.

Councillor Gray stated that the property is no longer located in Councillor Gilmer's district and Councillor Gilmer has not attended any of the meetings regarding comprehensive plans in that area. He added that those opposed to the project have been invited to participate in discussions and have not attended any of the meetings.

The President called for a vote on the motion to call out Proposal No. 248, 1999. The motion failed by the following roll call vote; viz:

April 5, 1999

12 YEAS: *Borst, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie, McClamroch, O'Dell, Shambaugh, Tilford*

13 NAYS: *Black, Boyd, Brents, Franklin, Golc, Gray, Jones, Moores, Schneider, SerVaas, Short, Talley, Williams*

2 NOT VOTING: *Coughenour, Moriarty Adams*

2 ABSENT: *Bradford, Smith*

[Clerk's Note: Original vote sheets showed Councillor Smith as voting. General Counsel ruled that the official vote could not portray an absent member as voting on any motions. The vote was changed by the clerk to note Councillor Smith's absence.]

Councillor Schneider asked for consent to explain his vote. Consent was given. Councillor Schneider stated that he voted in opposition to this motion because there was such a case in his district a few years ago. He feels if constituents come to an At-Large Councillor regarding calling out a zoning case in a particular district, that Councillor should defer to the district Councillor and allow them to either call the proposal out themselves or inform the At-Large Councillor as to why it should not be called out. Allowing another Councillor to call out a zoning case in someone else's district sets a bad precedent.

PROPOSAL NO. 248, 1999. Introduced by Councillor Hinkle. Proposal No. 248, 1999 is a proposal for a Rezoning Ordinance certified by the Metropolitan Development Commission on April 1, 1999. The motion for a public hearing having failed, the proposed ordinance, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, was retitled for identification as REZONING ORDINANCE NO. 69, 1999, the original copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows:

REZONING ORDINANCE NO. 69, 1999.

99-Z-3 (99-DP-2)

4320 GUION ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9

CROSSMAN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 60.8 acres, being in the D-A, I-2-U, and SU-34 Districts (FW, FF) to the D-P (FW, FF) classification to provide for a single-family residential cluster development.

SPECIAL ORDERS - PUBLIC HEARING

The President stated that the attorneys are making progress, but are still trying to work out issues dealing with Proposal No. 221, 1999, Rezoning Case 98-Z-212. He asked for consent to move the proposal later in the agenda. Consent was given.

PROPOSAL NO. 193, 1999. The proposal approves an increase of \$286,000 in the 1999 Budget of the Office of the Controller (Consolidated County Fund) to implement the formulation of Internet resources to support the production of content and services offered on the City-County Internet websites, financed by fund balances. Councillor Schneider moved, seconded by Councillor Massie, to postpone Proposal No. 193, 1999 until April 26, 1999. Proposal No. 193, 1999 was postponed by a unanimous voice vote.

PROPOSAL NO. 194, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 194, 1999 on March 22, 1999. The proposal approves an increase of \$600,000 in the 1999 Budget of the Department of Metropolitan Development, Division of Permits (Consolidated County Fund) to implement a digital permitting environment

in order to improve the process of issuing permits financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:57 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Boyd, for adoption. Proposal No. 194, 1999 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Tilford, Williams

0 NAYS:

2 NOT VOTING: Short, Talley

2 ABSENT: Bradford, Smith

Proposal No. 194, 1999 was retitled FISCAL ORDINANCE NO. 34, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Six Hundred Thousand Dollars (\$600,000) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Division of Permits, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Permits, to implement a digital permitting environment in order to improve the process of issuing permits.

SECTION 2. The sum of Six Hundred Thousand Dollars (\$600,000) 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 METROPOLITAN DEVELOPMENT</u>	
<u>DIVISION OF PERMITS</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	50,000
3. Other Services and Charges	510,000
4. Capital Outlay	<u>40,000</u>
TOTAL INCREASE	600,000

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>600,000</u>
TOTAL REDUCTION	600,000

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 196 and 197, 1999 on March 24, 1999. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 196, 1999. The proposal approves an increase of \$23,895 In the 1999 Budgets of the Prosecuting Attorney and County Auditor (State and Federal Grants Fund) to continue funding half the salary of a deputy prosecutor to work with landlords and law enforcement targeting crime in the Meadows area funded by a federal grant. PROPOSAL NO. 197, 1999. The proposal approves an increase of \$300 In the 1999 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to pay for a training seminar for the Indianapolis Bar Women in the Law Division funded by a federal grant through the Indiana Criminal Justice Institute. 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 8:59 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal Nos. 196 and 197, 1999 were adopted on the following roll call vote; viz:

22 YEAS: *Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Tilford, Williams*
0 NAYS:
5 NOT VOTING: *Franklin, Gilmer, Gray, Short, Talley*
2 ABSENT: *Bradford, Smith*

Proposal No. 196, 1999 was retitled FISCAL ORDINANCE NO. 35, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Twenty-three Thousand Eight Hundred Ninety-five Dollars (\$23,895) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and Marion County Auditor reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney and County Auditor for second year funding to pay half the salary of a Deputy Prosecutor to work with landlords and law enforcement targeting crime in the Meadows area.

SECTION 2. The sum of Twenty-three Thousand Eight Hundred Ninety-five Dollars (\$23,895) 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>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	4,395
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	19,500
TOTAL INCREASE	23,895

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>23,895</u>
TOTAL REDUCTION	23,895

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. 197, 1999 was retitled FISCAL ORDINANCE NO. 36, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Three Hundred Dollars (\$300) 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(v) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney for a pass through grant for the Indianapolis Bar Women in the Law Division for a training seminar.

SECTION 2. The sum of Three Hundred Dollars (\$300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>300</u>
TOTAL INCREASE	300

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>300</u>
TOTAL REDUCTION	300

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. 199, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 199, 1999 on March 18, 1999. The proposal approves an increase of \$3,300,000 in the 1998 Budget of the Department of Public Works, Contract Compliance

Division (Solid Waste Disposal Fund) to make retrofit improvements on the emission control systems of the Indianapolis Resource Recovery Facility as required by the Clean Air Act Amendments of 1990, financed by surplus revenues from the Indianapolis Resource Recovery Facility. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Golc stated that he read in the paper about Ogden Martin disposing of all the waste materials from the different hospitals, and asked if this issue is related to this proposal. Councillor Coughenour stated that it is not, and this issue will be discussed at a later date.

The President called for public testimony at 9:04 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 199, 1999 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Tilford

0 NAYS:

6 NOT VOTING: Dowden, Franklin, Gray, Schneider, Talley, Williams

2 ABSENT: Bradford, Smith

Proposal No. 199, 1999 was retitled FISCAL ORDINANCE NO. 37, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Three Million Three Hundred Thousand Dollars (\$3,300,000) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Contract Compliance Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal 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(k) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Contract Compliance Division, to make retrofit improvements to the emission control systems of the Indianapolis Resource Recovery Facility, as required by the Clean Air Act Amendments of 1990.

SECTION 2. The sum of Three Million Three Hundred Thousand Dollars (\$3,300,000) 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 PUBLIC WORKS</u>	
<u>CONTRACT COMPLIANCE DIVISION</u>	<u>SOLID WASTE DISPOSAL FUND</u>
3. Other Services and Charges	3,300,000
TOTAL INCREASE	3,300,000

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

	<u>SOLID WASTE DISPOSAL FUND</u>
Unappropriated and Unencumbered	
Solid Waste Disposal Fund	3,300,000
TOTAL REDUCTION	3,300,000

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 200 and 202, 1999 on March 24, 1999.

PROPOSAL NO. 200, 1999. The proposal approves an increase of \$2,000,000 in the 1999 Budget of the Department of Capital Asset Management, Asset Management Division (Redevelopment Tax Increment Financing Fund) to make intersection and other road improvements to the intersection of 71st Street and Marsh Road, financed by 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 9:07 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 200, 1999 was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford, Williams*
0 NAYS:
2 NOT VOTING: *Black, Talley*
2 ABSENT: *Bradford, Smith*

Proposal No. 200, 1999 was retitled FISCAL ORDINANCE NO. 38, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Two Million Dollars (\$2,000,000) in the Redevelopment Tax Increment Financing Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Redevelopment Tax Increment Financing 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(l) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to make intersection and other road improvements to the intersection of 71st Street and Marsh Road.

SECTION 2. The sum of Two Million Dollars (\$2,000,000) 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 CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>REDEVELOPMENT TAX</u> <u>INCREMENT FINANCING FUND</u>
4. Capital Outlay	<u>2,000,000</u>
TOTAL INCREASE	2,000,000

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

	<u>REDEVELOPMENT TAX</u> <u>INCREMENT FINANCING FUND</u>
Unappropriated and Unencumbered	
Redevelopment Tax Increment Financing Fund	<u>2,000,000</u>
TOTAL REDUCTION	<u>2,000,000</u>

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

PROPOSAL NO. 202, 1999. The proposal approves an increase of \$250,000 in the 1999 Budget of the Department of Capital Asset Management, Asset Management Division (Sanitation General Fund) to undertake repairs to the Southport and Belmont Wastewater Treatment facilities, financed by 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 9:08 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 202, 1999 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford, Williams
0 NAYS:
2 NOT VOTING: Gray, Talley
2 ABSENT: Bradford, Smith

Proposal No. 202, 1999 was retitled FISCAL ORDINANCE NO. 39, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Sanitation General Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(1) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to undertake repairs to the Southport and Belmont Wastewater Treatment facilities.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) 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 CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
4. Capital Outlay	<u>250,000</u>
TOTAL INCREASE	<u>250,000</u>

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	<u>250,000</u>
TOTAL REDUCTION	250,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 74, 1999. Councillor Gilmer reported that the Committee heard Proposal No. 74, 1999 on February 3, 1999, and it was returned to committee in Council on February 8, 1999. The committee heard the proposal again on February 16 and March 24, 1999. The proposal, sponsored by Councillor Cockrum, amends the Code concerning parking in front of mailboxes. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Cockrum stated that the issue will be resolved within the Post Office administration. Councillor Gilmer moved, seconded by Councillor Cockrum, to strike. Proposal No. 74, 1999 was stricken by a unanimous voice vote.

PROPOSAL NO. 110, 1999. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 110, 1999 on March 16, 1999. The proposal, sponsored by Councillor SerVaas, approves that the City of Indianapolis enter into an interlocal agreement with Hamilton County, Hendricks County, Shelby County, the City of Noblesville, the City of Carmel, the Town of Fishers, the City of Greenwood, the City of Lawrence, the Town of Speedway, the City of Beech Grove, the City of Southport, the Town of Cicero, the Town of Brownsburg, the Town of Plainfield, the Town of McCordsville, the Town of Fortville, the City of Shelbyville, and the Town of Mooresville for a regional transportation study. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider asked if other entities will still proceed with their individually funded studies and if this is a duplicated effort. Councillor Curry stated that there are other funded studies, but the Northeast Corridor study is only a part of the overall plan. This particular service plan will rely much on public hearings and committee meetings as it is developed. Councillor Curry stated that he does not view this study as a duplicated effort. Councillor SerVaas stated that there is no other funded comprehensive study that covers this entire area. Councillor Schneider stated that there are other studies such as the Northeast Corridor Study, Regional Mass Transit Service Plan, Central Indiana Regional Transit Authority, and Central Indiana Transportation and Land Use Vision Plan. All of these groups are competing for the same tax dollars to do the exact same thing this proposal is slated to do. Councillor Schneider asked if the other groups wanting to become active in this pursuit are going to be restrained from doing so if this proposal passes. Councillor Curry stated that the scope of the work is not the same as those other projects and is a much larger scope, but he is not sure how these other organizations are funded and cannot assure Councillor Schneider that passage of this proposal would not inhibit funding of these other projects.

Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 110, 1999 was adopted on the following roll call vote; viz:

April 5, 1999

21 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Talley, Tilford

4 NAYS: Dowden, Franklin, Gray, Schneider

2 NOT VOTING: Golc, Williams

2 ABSENT: Bradford, Smith

Proposal No. 110, 1999 was retitled GENERAL RESOLUTION NO. 2, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 2, 1999

A GENERAL RESOLUTION establishing the approval of the City-County Council of the City of Indianapolis and Marion County, Indiana for the City of Indianapolis to enter into an interlocal agreement with Hamilton County, Hendricks County, Shelby County, the City of Noblesville, the City of Carmel, the Town of Fishers, the City of Greenwood, the City of Lawrence, the Town of Speedway, the City of Beech Grove, the City of Southport, the Town of Cicero, the Town of Brownsburg, the Town of Plainfield, the Town of McCordsville, the Town of Fortville, the City of Shelbyville and the Town of Mooresville.

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-I-2-6; and

WHEREAS, pursuant to IC 36-I-7-4 the City-County Council shall approve an interlocal agreement authorized under IC 36-I-7-I, et seq.; and

WHEREAS, the City of Indianapolis wishes to enter into an interlocal agreement with Hamilton County, Hendricks County, Shelby County, the City of Noblesville, the City of Carmel, the Town of Fishers, the City of Greenwood, the City of Lawrence, the Town of Speedway, the City of Beech Grove, the City of Southport, the Town of Cicero, the Town of Brownsburg, the Town of Plainfield, the Town of McCordsville, the Town of Fortville, the City of Shelbyville and the Town of Mooresville for a regional transportation study ("Interlocal Agreement"); and

WHEREAS, the City-County Council, having considered the Interlocal Agreement and being duly advised, approves that the City of Indianapolis enters into the Interlocal Agreement; now, therefore:

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

SECTION I. The City-County Council hereby approves that the City of Indianapolis enters into an Interlocal Agreement with Hamilton County, Hendricks County, Shelby County, the City of Noblesville, the City of Carmel, the Town of Fishers, the City of Greenwood, the City of Lawrence, the Town of Speedway, the City of Beech Grove, the City of Southport, the Town of Cicero, the Town of Brownsburg, the Town of Plainfield, the Town of McCordsville, the Town of Fortville, the City of Shelbyville and the Town of Mooresville.

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

The President passed the gavel to Vice President McClamroch at 9:27 p.m.

PROPOSAL NO. 198, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 198, 1999 on March 24, 1999. The proposal approves a transfer of \$15,833 in the 1999 Budget of the Prosecuting Attorney (Deferral Program Fee Fund) to correct Fiscal Ordinance No. 11, 1999, which appropriated funds in the wrong character. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked why the prosecutor is in charge of these traffic funds. Councillor Dowden stated that the prosecutor obtained this grant to purchase radar guns to assign to the Sheriff's Department, IPD, or any other law enforcement agency in Marion County for their temporary use.

Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 198, 1999 was adopted on the following roll call vote; viz:

21 YEAS: *Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Tilford*

1 NAY: *Black*

5 NOT VOTING: *Franklin, Golc, SerVaas, Talley, Williams*

2 ABSENT: *Bradford, Smith*

Proposal No. 198, 1999 was retitled FISCAL ORDINANCE NO. 40, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional Fifteen Thousand Eight Hundred Thirty-three Dollars (\$15,833) in the Deferral Program Fee Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (v) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to correct Fiscal Ordinance No. 11, 1999.

SECTION 2. The sum of Fifteen Thousand Eight Hundred Thirty-three Dollars (\$15,833) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the account as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>DEFERRAL PROGRAM FEE FUND</u>
4. Capital Outlay	15,833
TOTAL INCREASE	15,833

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

<u>PROSECUTING ATTORNEY</u>	<u>DEFERRAL PROGRAM FEE FUND</u>
3. Other Services and Charges	15,833
TOTAL DECREASE	15,833

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 173, 203, and 204, 1999 on March 24, 1999.

PROPOSAL NO. 173, 1999. The proposal, sponsored by Councillor Brents, authorizes the removal of parking meters and the installation of a bus stop zone on Ohio Street (District 16). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that

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it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 173, 1999 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, Shambaugh, Short, Tilford

0 NAYS:

4 NOT VOTING: Moriarty Adams, SerVaas, Talley, Williams

2 ABSENT: Bradford, Smith

Proposal No. 173, 1999 was retitled GENERAL ORDINANCE NO. 45, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated; and Sec. 621-402, Bus stop and trolley stop zones.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

Ohio Street, on the south side, from West Street to Illinois Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

Ohio Street, on the south side, from West Street to a point 85 feet west of Capitol Avenue

Ohio Street, on the south side, from Capitol Avenue to Illinois Street

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-402, Bus stop and trolley stop zones, be and the same is hereby amended by the addition of the following, to wit:

Ohio Street, on the south side, from Capitol Avenue to a point 85 feet west of Capitol Avenue

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

PROPOSAL NO. 203, 1999. The proposal, sponsored by Councillor SerVaas, authorizes a traffic signal at College Avenue and Park Tudor High School (District 2). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Tilford, for adoption. Proposal No. 203, 1999 was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Tilford

0 NAYS:

4 NOT VOTING: Black, SerVaas, Talley, Williams

2 ABSENT: Bradford, Smith

Proposal No. 203, 1999 was retitled GENERAL ORDINANCE NO. 46, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION I. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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>
I9	College Av, Nottingham Ct (Park Tudor High School Entrance)	None	Signal

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

PROPOSAL NO. 204, 1999. The proposal, sponsored by Councillor Dowden, authorizes a multi-way stop at Rucker Road and Orchard Hill; and a weight restriction on Rucker Road between Fall Creek Road and 62nd Street (District 4). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Dowden, for adoption. Proposal No. 204, 1999 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Tilford

0 NAYS:

4 NOT VOTING: McClamroch, SerVaas, Talley, Williams

2 ABSENT: Bradford, Smith

Proposal No. 204, 1999 was retitled GENERAL ORDINANCE NO. 47, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls; and Sec. 441-364, Trucks on certain streets restricted.

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

SECTION I. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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>
I2	Rucker Rd Orchard Hill Ln	Rucker Rd	Stop

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SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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	Rucker Rd Orchard Hill Ln	None	All Way Stop

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Rucker Road, from Fall Creek Road to Sixty-second Street

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

Vice President McClamroch returned the gavel to President SerVaas at 9:33 p.m.

PROPOSAL NO. 221, 1999. The proposal, introduced by Councillor Hinkle, proposes to rezone 63.52 acres at 3801 North Franklin Road, being in the D-A and C-3 Districts, to the C-S classification to provide for an integrated business park and retail shopping center development (98-Z-212) (District 14). At the Council meeting held on March 15, 1999, Councillor Talley asked that Proposal No. 221, 1999 be called out for a public hearing.

The President stated that the attorneys and representatives from both sides of the zoning issue have reached an agreement, and a public hearing on Proposal No. 221, 1999 will not be needed. Joseph Calderon, attorney for the petitioner, stated that the petitioner has agreed to three additional commitments which have satisfied the remonstrators. Gordon Harper, attorney for the remonstrators, stated that the neighbors are satisfied with the additional commitments. Councillor Dowden asked who enforces the commitments. Mr. Calderon stated that the Department of Metropolitan Development and neighborhood groups will ensure that commitments are met. Councillor Talley stated that he is satisfied with the outcome of the negotiations.

Councillor Short moved, seconded by Councillor Talley, for adoption. Proposal No. 221, 1999 was adopted by the following roll call vote; viz:

23 YEAS: Black, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Talley, Tilford

0 NAYS:

4 NOT VOTING: Borst, Franklin, Schneider, Williams

2 ABSENT: Bradford, Smith

Proposal No. 221, 1999 was retitled for identification as REZONING ORDINANCE NO. 70, 1999, the original copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows:

REZONING ORDINANCE NO. 70, 1999.

98-Z-212

3801 NORTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

MARTIN FAMILY TRUST, by Joseph D. Calderon, requests a rezoning of 63.52 acres, being in the D-A and C-3 Districts, to the C-S classification to provide for an integrated business park and retail shopping center development.

NEW BUSINESS

Councillor Short stated that under Sec. 151-49 a member of the Council can be called to order for a violation of the rules. He stated that on the two most controversial issues of the evening, the suspension of the rules to introduce the library proposal and the attempt to call a rezoning case out for public hearing, a Councillor who is not in attendance this evening is recorded as voting on both matters. He stated that this is an unacceptable precedent that another Council member should vote for an absent member on any matter, especially a controversial one. The President stated that he has not had an opportunity to examine the voting record and he asked the Clerk if she knows who cast the absentee vote for Councillor Smith. The Clerk stated that she did not see who voted for Councillor Smith on those issues. Councillor Short stated that this absentee vote did not make a difference in the voting, but he feels it is a violation of Council rules and an investigation should be conducted. The President stated that he will discuss this matter with General Counsel Robert Elrod and consider what action, if any, is to be taken.

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 Councillors Coonrod, McClamroch, Boyd, Dowden, and Franklin in memory of John Stewart.

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 John Stewart. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:42 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 5th day of April, 1999.

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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)