

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

**REGULAR MEETINGS  
MONDAY, MARCH 15, 1993**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, March 15, 1993, with Councillor SerVaas presiding.

Councillor Brents led the opening prayer and invited all present to join her 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:

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

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

The President announced that Proposal No. 85, 1993 would be moved up on the agenda and heard immediately following Proposal Nos. 167 and 168, 1993.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Moriarty recognized a group from the Family Community Leadership Training Institute. Councillor Hinkle introduced Amy Bradley, a former City-County Councillor. Councillor Boyd acknowledged all the supporters of Proposal No. 85, 1993. Councillor Gilmer introduced Lulu Journey, a former City-County Councillor. Councillor Williams introduced Ann Delaney, the newly elected chair of the Democratic State Committee. Councillor Brents introduced her husband, Leon Brents. Councillor Borst acknowledged the presence of Elizabeth Kraft, the new executive director of 500 Festival Associates, Inc.

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 15, 1993, 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  
Beurt SerVaas, President  
City-County Council

February 11, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published a Public Notice of "Request for Proposals for a Cable Television Franchise" in The Indianapolis Business Journal on Monday, February 22, 1993, and Monday, March 8, 1993.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

February 23, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published a Revised Public Notice of "Request for Proposals for a Cable Television Franchise" in the Indianapolis COMMERCIAL on Monday, February 15, and Monday, February 22, 1993, and in the Indianapolis NEWS on Monday February 15, 1993. Due to a publishers error the second publication was on Wednesday, February 24, 1993.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

February 23, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, March 4, 1993, a copy of NOTICE TO TAXPAYERS of a Public

March 15, 1993

Hearing on Proposal Nos. 106, 108 and 109, 1993, to be held on Monday, March 15, 1993, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

February 25, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, March 4, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 111 and 112, 1993, to be held on Monday, March 15, 1993, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

February 18, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, February 25, 1993, a copy of LEGAL NOTICE on General Ordinance No. 10, 1993.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 11, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Four Hundred Sixty-five Thousand Dollars (\$465,000) in the IMAGIS Consortium Participant Contributions for purposes of the Department of Public Works and reducing the unappropriated and unencumbered balance in the Public Works Special Revenues Fund.

FISCAL ORDINANCE NO. 12, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Six Million Fifty-three Thousand Eight Hundred Eleven Dollars (\$6,053,811) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 14, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Four Thousand Seven Hundred Dollars (\$4,700) in the Property Reassessment Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that office.

SPECIAL RESOLUTION NO. 8, 1993, recognizing Indianapolis entertainer Hal Fryar.

SPECIAL RESOLUTION NO. 9, 1993, approving and authorizing certain actions and notifying the trustee of the Wabash Valley Power Association, Inc.'s desire to redeem certain economic development revenue bonds.

SPECIAL RESOLUTION NO. 10, 1993, approving a public purpose grant in the amount of \$25,000 for the purpose of Central Indiana Radio Reading, Inc.

GENERAL ORDINANCE NO. 9, 1993, amending the Revised Code and making certain changes in the Public Defender Board and Agency.

GENERAL ORDINANCE NO. 11, 1993, amending the Code by updating the county corrections fund.

GENERAL ORDINANCE NO. 12, 1993, establishing a Department of Public Works special revenue fund for specific revenue sources restricted for specific purposes.

Respectfully,  
s/Stephen Goldsmith  
Stephen Goldsmith

### **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 February 22, 1993. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 167, 1993. This proposal, sponsored by Councillors Gilmer, Hinkle, West and Williams, recognizes John P. Willen, P.E. Councillor Gilmer read the resolution and presented a framed document to Mr. Willen. His father, C. P. Willen, his daughters, Emily and Kate, his wife, Sharon, and a group of employees from the Department of Transportation were also present. Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 167, 1993 was adopted by unanimous voice vote.

Proposal No. 167, 1993 was retitled SPECIAL RESOLUTION NO. 11, 1993 and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 11, 1993**

A SPECIAL RESOLUTION recognizing John P. Willen, P.E.

WHEREAS, John P. Willen, P.E. worked for the Indianapolis Department of Transportation from 1971 until his retirement in 1993--his only employer after his service in the Army Corps of Engineers; and

WHEREAS, Mr. Willen is a native of "Sweet" Owen County, earned his B.S. Degree in Civil Engineering at Rose-Hulman at Terre Haute, and his MBA at Butler University in Indianapolis; and

WHEREAS, he served as Chief Engineer, and Manager of the Department of Transportation's Capital Improvement and Resurfacing Program; and

WHEREAS, during the past two decades he was involved with major projects such as the bricks on Monument Circle, the widening of West Street near the Hoosier Dome, West 38th Street, East and West 86th Street, Post Road, and streets affected by the Eli Lilly expansion; and



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WHEREAS, Mr. Willen is a professional engineer, and has served as President of both the local and state chapters of the American Society of Civil Engineers; and

WHEREAS, Mr. Willen was honored with several awards during his career with the city including recognitions from the state and national consulting engineers society, Nora Community Council, Indianapolis Economic Development Council, and by Eastside Community Investments; 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 two decades of dedicated and skillful work by John P. Willen, P.E. as Chief Engineer of the Indianapolis Department of Transportation.

SECTION 2. The citizens of this city will for many years see and appreciate the results of his skilled and capable work.

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. 168, 1993. This proposal, sponsored by Councillor Golc, remembers Judge John W. Tranberg. The following judges were present: James Payne, Kenneth Johnson, John Barney, Jr., Thomas Carroll, Clarence Bolden, Charles Deiter, Patrick McCarty, John Hanley, Paula Lopossa, Patricia Gifford, William Mercuri, Charles Wiles, Evan Goodman, Carr Darden, Cynthia Ayers, Gerald Zore, Webster Brewer, Gary Miller, Wendell Mayer, John Price, Stephen Frank, Taylor Baker, John Downer, and Michael Keele. Commissioner Barbara Collins and Magistrate Jay Haggerty were also present. Councillor Golc asked Councillor Jimison to join him. Councillor Jimison read the resolution and presented a framed document to Judge Tranberg's widow, Shirley. His son, John Tranberg, Jr., expressed appreciation for the resolution. There were other members of the Tranberg family present along with several people who had worked for Judge Tranberg. Councillor Golc moved, seconded by Councillor Jimison, for adoption. Proposal No. 168, 1993 was adopted by unanimous voice vote.

Councillor Golc read a note from Mayor Stephen Goldsmith stating that Judge Tranberg was a good friend of the Mayor, that he tried his first case in front of Judge Tranberg and that he was sorry that he could not be present to make specific comments in memory of Judge Tranberg.

Proposal No. 168, 1993 was retitled SPECIAL RESOLUTION NO. 12, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 1993

A SPECIAL RESOLUTION remembering Judge John W. Tranberg.

WHEREAS, John W. Tranberg was a native of South Bend, Indiana, and worked in the old Studebaker plant as a young man; and

WHEREAS, he earned his law degree at Indiana University, practiced law, and became a deputy prosecutor in 1958; and

WHEREAS, he was elected to the Marion Superior Court in 1974, and served honorably until his retirement in 1990; and

WHEREAS, during his 16 years on the bench Judge Tranberg heard 4,000 felony cases, and was always considered to be a fair and impartial judge, a mentor to young attorneys and to other judges, an honorable gentleman, and a friend; and

WHEREAS, Judge Tranberg was called from this earthly life on January 15, 1993; 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 pauses to remember the life of Judge John W. Tranberg.

SECTION 2. May his memory serve as a lasting model and example of dignity, humanness, fairness, and personal integrity of public officials.

SECTION 3. The Council extends its condolences to Judge Tranberg's widow, Shirley, and to their children.

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.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 85, 1993. Councillor Schneider reported that the Municipal Corporations Committee heard Proposal No. 85, 1993 on February 25, 1993. The proposal, sponsored by Councillors Boyd, Mullin and Ruhmkorff, concerns a "Union Only Project Agreement." He asked Councillor Beadling to give the majority report since she was on the prevailing side. Councillor Beadling said that this proposal supports a union only agreement at the United Airlines Maintenance Operations Center project. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Beadling moved, seconded by Councillor Ruhmkorff, for adoption.

Councillor Short stated that on March 8, 1993 the unions won their case before the Supreme Court for control of public bidding projects with a City of Boston agency. He also said that it has been proven that unionized construction workers are at least twenty-nine percent more productive than non-unionized construction workers. He urged the Council's support of Proposal No. 85, 1993.

Councillor Golc said that he supports this resolution because without the cooperation and support of labor the City probably would not have won the United Airlines contract. Now labor is asking for support for their "union only project agreement" with the Indianapolis Airport Authority and other agencies awarding contracts for the United Airlines Maintenance Operations Center project.

Councillors Mullin, Ruhmkorff and Boyd all expressed their support for Proposal No. 85, 1993.

Councillor McClamroch said that unions have played a vital roll in the development of downtown as well as the rest of the City, but he urged the Council to vote against this resolution because approximately seventy-five percent of the labor force in Marion County is non-union. This resolution grants a special privilege to twenty-five percent of the labor force. The Council should not grant special privileges; the Council should not exclude anybody, much less seventy-five percent of the work force.

Councillors Schneider and Dowden both voiced their agreement with Councillor McClamroch and said they would vote against this proposal.

Councillor West stated that the Airport Authority is a separate government agency, and one county body usually does not tell another county body how to write its contracts. The Supreme Court decision on March 8, 1993 simply gave that Boston agency the right to establish a union only agreement; it did not mandate that it had to have such an agreement. He said that he cannot support this proposal.

Proposal No. 85, 1993, as amended, was defeated on the following roll call vote; viz:

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

Councillor Beadling abstained from voting due to a possible conflict of interest.

### INTRODUCTION OF PROPOSALS

PROPOSAL NO. 148, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE determining not to allow the Marion County Department of Public Welfare to borrow, on a short-term basis, \$19,350,000 to fund welfare services for the remainder of 1993, and authorizing the County Auditor, upon receipt of an order from the State Board of Tax Commissioners, to borrow \$19,350,000 from a financial institution on behalf of the Marion County Department of Public Welfare to pay for the department's welfare obligations pursuant to IC 12-19-5 and appropriating the proceeds of the borrowing"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 149, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE granting the request of the Marion County Department of Public Welfare to borrow, on a short-term basis, \$19,350,000 to pay the cost of providing welfare services for the remainder of 1993, and authorizing and ordering the County Auditor to borrow such funds from a financial institution and issue notes evidencing the borrowed funds and appropriating the borrowed funds"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 150, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$3,914,984 for the Department of Public Welfare to pay the expenses of wards in institutions"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 151, 1993. Introduced by Councillors Beadling, Brents and Golc. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION designating a section of Tenth Street as the "Vietnam Veterans Memorial Way"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 152, 199. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$557,000 for the Department of Parks and Recreation, Natural Resources Division, to pay for tree maintenance



and other contractual services"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 153, 1993. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$134,000 for the Department of Parks and Recreation, Support Services Division, to develop a strategic plan for parks and recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 154, 1993. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$11,868 for the Department of Parks and Recreation, Marketing Services Division, to continue the Youth Conservation Corp Build-A-Park Program in 1993"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 155, 1993. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing David W. Hamilton to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 156, 1993. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Virginia Dill McCarty to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 157, 1993. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$317 for the Presiding Judge of the Municipal Court to purchase supplies for the GED/Literacy Program funded by grants from Indiana Black Expo, Inc. and Melvin Simon & Associates"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 158, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$20,272 for the Auditor to provide fringe benefits for Juvenile Court's companion Proposal No. 109, 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 159, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$44,271 for the Marion County Justice Agency to conduct the Drug Use Forecasting Program through an inter-agency agreement with the National Institute of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 160, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$372,074 for the Marion County Justice Agency to remit the final arbitrage payment on the JUSTIS bond and to cover repair expenses and the purchase of new equipment for the JUSTIS II system"; and the President referred it to the Public Safety and Criminal Justice Committee.



PROPOSAL NO. 161, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by extending the current sewer service and user rates"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 162, 1993. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Fox Hill Drive and Hoover Road (District 2)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 163, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a four-way stop at Olney Street and 61st Street (District 7)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 164, 1993.8 Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal<sup>8</sup> for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Ray Street between Meridian Street and Union Street (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 165, 1993. Introduced by Councillors Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning parking restrictions in the downtown area and on East Washington Street (Districts 16, 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 166, 1993. Introduced by Councillors Brents, Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning parking restrictions on Washington Street from West Street to Somerset Avenue (Districts 16, 17)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 175, 1993. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Jeb Conrad to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 176, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Leslie Read to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Boyd asked why the Republicans are nominating Democrats to the Public Defender Board (Proposal Nos. 175 and 176, 1993) at the same time he has introduced two proposals nominating Democrats to this Public Defender Board (Proposal Nos. 155 and 156, 1993). He said he thought that he and the President had come to an agreement that this was not going to become a politicized issue. Councillor Boyd told the President that he has absolutely no intention of accepting the Republican nominations. Councillor Williams requested that the President or Councillor West call the two individuals that they have nominated for this board and ask them to serve on another board.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 146, 1993. Councillor Giffin asked Councillor Ruhmkorff to give the Committee report since he had to abstain from voting in Committee due to a possible conflict of interest. Councillor Ruhmkorff reported that the Economic Development Committee heard Proposal No. 146, 1993 on March 10, 1993. The proposal authorizes the issuance of the City of Indianapolis, Indiana Economic Development Water Facilities Refunding Revenue Bonds, Series 1993 (Indianapolis Water Company Project) in an aggregate principal amount not to exceed \$11,600,000. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Jones, for adoption. Proposal No. 146, 1993 was adopted on the following roll call vote; viz:

*19 YEAS: Beadling, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, McClamroch, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West*

*0 NAYS:*

*10 NOT VOTING: Black, Borst, Boyd, Brents, Giffin, Jimison, Jones, Mullin, Short, Williams*

Councillor Giffin abstained from voting due to a possible conflict of interest.

Proposal No. 146, 1993 was retitled SPECIAL ORDINANCE NO. 1, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Water Facilities Refunding Revenue Bonds, Series 1993 (Indianapolis Water Company Project)" in an aggregate principal amount not to exceed \$11,600,000 and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Indianapolis Economic Development Commission concerning the proposed issuance of City of Indianapolis, Indiana Economic Development Water Facilities Refunding Revenue Bonds, Series 1993 (Indianapolis Water Company Project) (the "Bonds") to refund and refinance outstanding \$11.6 million principal amount of City of Indianapolis, Indiana 6¼% Economic Development Water Facilities Revenue Bonds, 1974 Series (Indianapolis Water Company Project) (the "1974 Bonds") which 1974 Bond proceeds were used to finance a portion of the Indianapolis water distribution facilities of the Indianapolis Water Company (the "Company") now known as the Company's Thomas W. Moses Treatment Plant; and

WHEREAS, the Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended, on March 10, 1993, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing complies with the purposes and provisions of Indiana Code 5-1-5, Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively, the "Act") and that such financing will be of benefit to the health and general welfare of the City of Indianapolis, Indiana (the "Issuer") and its citizens; and

WHEREAS, the Commission has approved the final forms of the Indenture of Trust, Loan Agreement, Guaranty Agreement, Bond Purchase Agreement, Preliminary Official Statement and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") 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 referred to in the Financing Documents consisting of the issuance of the Bonds to refund and refinance the 1974 Bonds, as previously approved by the Commission and now presented to this City-County Council, will be of benefit to the health and general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

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SECTION 2. The forms of the Financing Documents approved by the Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. 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 bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement 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 Official Statement is hereby authorized to certify to the Underwriter (as defined in the Financing Documents) that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 4. The Issuer shall issue its Bonds in an aggregate principal amount not to exceed \$11,600,000 for the purpose of refinancing outstanding \$11,600,000 principal amount of the 1974 Bonds. The Bonds will be payable as to principle, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by the Company 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 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter designated in the Bond Purchase Agreement at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 10%. The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter 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 city of Indianapolis. The signatures of the Mayor and 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 or purchasers thereof, 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 on the Bonds or their manual signatures thereof 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 this Ordinance and the Financing Documents pursuant to Indiana Code 36-7-12-27 (a) (1) through (a) (10).

SECTION 7. The provisions of this 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 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 ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 147, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 147, 1993 on March 10, 1993. The proposal is an inducement resolution for American Health Care-Castleton, Inc. in an amount not to exceed \$2,500,000 for the acquisition of a one-story nursing home facility. This property is located at 7630 East 86th Street. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Smith, for adoption. Proposal No. 147, 1993 was adopted on the following roll call vote; viz:



23 YEAS: *Beadling, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Smith, West*

0 NAYS:

6 NOT VOTING: *Black, Boyd, Gray, Ruhmkorff, Short, Williams*

Proposal No. 147, 1993 was retitled SPECIAL RESOLUTION NO. 13, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 1993

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

WHEREAS, American Health Care-Castleton, Inc. (the "Applicant") has previously advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposed that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same and the Commission on May 16, 1990 adopted an inducement resolution (the "1990 EDC Inducement Resolution") for the Project (as hereinafter defined) and subsequently the City-County Council of the Issuer on June 11, 1990 adopted City-County Special Resolution No. 34, 1990 (the "1990 Council Inducement Resolution") for the Project (as hereinafter defined) and the Applicant at this current time has requested that the Commission ratify and confirm its 1990 EDC Inducement Resolution and that the Issuer ratify and confirm its 1990 Council Inducement Resolution, said economic development facilities consist of the acquisition of a one-story home facility containing approximately 39,222 square feet and a separate laundry building containing approximately 1,440 square feet, both of which are located at 7630 E. 86th Street, Indianapolis, Indiana on approximately 5.72 acres of land; the acquisition of machinery, equipment, and furnishings for use in the facilities; and the acquisition, construction, renovation, installation, and equipping of various site improvements at the facilities which Project remains unchanged from the description of the Project contained in the 1990 EDC Inducement Resolution and the 1990 Council Inducement Resolution (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (ninety (90) jobs) and the creation of business opportunities to be achieved by the acquisition of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

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

WHEREAS, the acquisition 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 (ninety (90) jobs) 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 creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds



of the revenue bonds to the Applicant for the acquisition 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 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 September 30, 1993, 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 resolutions and authorize the execution and delivery of such instruments and the taking of such action as it may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; 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 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 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 this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 169, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on March 12, 1992". The Council did not schedule Proposal No. 169, 1992 for hearing pursuant to IC 36-7-46-608. Proposal No. 169, 1992 was retitled REZONING ORDINANCE NO. 33, 1992 and is identified as follows:

REZONING ORDINANCE NO. 33, 1993. 91-Z-162 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT #19.  
1314 SOUTH HIGH SCHOOL ROAD (approximate address), INDIANAPOLIS.  
RON SURENKAMP requests the rezoning of 0.710 acre, being in the C-2 District, to the C-4 classification to provide for commercial development.

PROPOSAL NO. 170, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on March 11, 1992". The Council did not schedule Proposal No. 170, 1992 for hearing pursuant to IC 36-7-46-608. Proposal No. 170, 1992 was retitled REZONING ORDINANCE NO. 34, 1992 and is identified as follows:

REZONING ORDINANCE NO. 34, 1993. 92-Z-147 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 20.  
1818 EAST STOP 10 ROAD (approximate address), INDIANAPOLIS.  
FRED B. BOUSHEHRY requests the rezoning of 2.4 acres, being in the D-A District, to the D-6 classification to provide for the development of a 20 unit condominium project.

PROPOSAL NOS. 171-174, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 11, 1993". The Council did not schedule Proposal Nos. 171-174, 1993

for hearing pursuant to IC 36-7-4-608. Proposal Nos. 171-174, 1993 were retitled REZONING ORDINANCE NOS. 35-38, 1993 and are identified as follows:

REZONING ORDINANCE NO. 35, 1993. 93-Z-3 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 21.

3561 ENGLISH AVENUE (approximate address), INDIANAPOLIS.  
INDIANAPOLIS IRVINGTON VFW POST 2999, by J. Edward Staab, request the rezoning of 1.789 acres, being in the C-3, D-5 Districts, to the C-3 classification to provide for the expansion of the existing VFW post facility.

REZONING ORDINANCE NO. 36, 1993. 93-Z-14 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 07.

1790 EAST 54TH STREET (approximate address), INDIANAPOLIS.  
LINCOLN LODGE CORPORATION and AMERICAN VILLAGE PARTNERSHIP, by Thomas Michael Quinn, request the rezoning of 48.95 acres, being in the D6-II and C-1 District, to the C-S classification to provide for uses of a retirement community including various types of assisted residential care facilities presently existing, as well as future development of similar facilities.

REZONING ORDINANCE NO. 37, 1993. 93-Z-15 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 15.

530 NORTH RURAL STREET (approximate address), INDIANAPOLIS.  
EASTSIDE COMMUNITY INVESTMENTS, by Zoe Urena Weiss, requests the rezoning of 0.42 acre, being in the D-5 District, to the C-2 classification to provide for 13 units of elderly housing and a day care facility.

REZONING ORDINANCE NO. 38, 1993. 93-Z-19 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 01.

7658 NOEL ROAD (approximate address), INDIANAPOLIS.  
PHILIP M. FARIS and LINDA L. FARIS, by Joseph M. Scimia, request the rezoning of 3.762 acres, being in the D-A District, to the D-S classification to provide for residential development.

### **SPECIAL ORDERS - PUBLIC HEARING**

Councillor Rhodes asked for consent to introduce someone in the audience. Consent was given. Councillor Rhodes introduced Kirill Yankow, Chairman of the Economical Reform Committee of the Moscow Regional Council of People's Deputies, Moscow, Russia.

PROPOSAL NO. 106, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 106, 1993 on March 10, 1993. The proposal appropriates \$46,930 for the Information Services Agency to cover expenses associated with assuming the operation of the Department of Public Works Digital Equipment Corporation computers. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 106, 1993 was adopted on the following roll call vote; viz:

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

*1 NAY: Black*

*4 NOT VOTING: Boyd, Ruhmkorff, Short, Williams*

Proposal No. 106, 1993 was retitled FISCAL ORDINANCE NO. 10, 1993 and reads as follows:

March 15, 1993

CITY-COUNTY FISCAL ORDINANCE NO. 10, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Forty-six Thousand Nine Hundred Thirty Dollars (\$46,930) in the County General Fund for purposes of the Information Services Agency 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 (k) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Information Services Agency to assume day to day operational responsibility for the Department of Public Works DEC computers.

SECTION 2. The sum of Forty-six Thousand Nine Hundred Thirty Dollars (\$46,930) 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 appropriations are hereby approved:

<u>INFORMATION SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$38,000
 <u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>8,930</u>
TOTAL INCREASE	\$46,930

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$46,930</u>
TOTAL REDUCTION	\$46,930

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

PROPOSAL NO. 108, 1993. The proposal appropriates \$27,677 for the Superior Court, Criminal Division, Room Five, to cover overtime expenses and the salary of an additional clerk. Councillor Dowden asked for consent to postpone Proposal No. 108, 1993 until May 24, 1993. Consent was given.

PROPOSAL NO. 109, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 109, 1993 on March 3, 1993. The proposal appropriates \$86,265 for the Superior Court, Juvenile Division/Detention Center, to cover 1993 salary expenses. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 109, 1993 was adopted on the following roll call vote; viz:

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

1 NAY: *Black*

4 NOT VOTING: *Boyd, Rhodes, Ruhmkorff, Williams*



Proposal No. 109, 1993 was retitled FISCAL ORDINANCE NO. 15, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Eighty-six Thousand Two Hundred Sixty-five Dollars (\$86,265) in the County General Fund for purposes of the Superior Court, Juvenile Division/Detention Center, and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (kk) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Juvenile Division/Detention Center, to pay for 1993 salaries.

SECTION 2. The sum of Eighty-six Thousand Two Hundred Sixty-five Dollars (\$86,265) 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 appropriations are hereby approved:

SUPERIOR COURT, JUVENILE DIVISION/ <u>DETENTION CENTER</u>	<u>COUNTY GENERAL FUND</u>
I. Personal Services	<u>\$86,265</u>
TOTAL INCREASE	\$86,265

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$86,265</u>
TOTAL REDUCTION	\$86,265

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

PROPOSAL NOS. 111 and 112, 1993. The President ruled that these proposals would be heard and voted on together. PROPOSAL NO. 111, 1993. The proposal amends the Code by establishing a supplemental repair charge in addition to the regular sewer user charge for the area in Perry Township previously served by Southside Utilities, Inc. PROPOSAL NO. 112, 1993. The proposal approves annexation into the Indianapolis Sanitary District an area in Perry Township previously served by Southside Utilities, Inc.

Councillor Coughenour recognized a group from the Hill Valley Homeowner's Association and their attorney, Frank Hogan.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 111 and 112, 1993 on February 25, 1993. Councillor Coughenour stated that an area in Perry Township that was served by Southside Utilities, Inc. has received few repairs on their sewer system. Southside Utilities is now bankrupt. Proposal No. 111, 1993 establishes a charge for the homes in this area in addition to the regular sewer user charge. Proposal No. 112, 1993 annexes the area into the Indianapolis Sanitary District. By an 8-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass.



Councillor Borst said that the area that is being annexed is in his district and is called the Hill Valley Estates. There have been many meetings between the City, Southside Utilities, Inc. and the Hill Valley Estates Homeowners Association to get this issue resolved. This solution is not necessarily fair to the homeowners or to the City, but it is the best that could be accomplished.

Councillor Smith asked if there is something that can be done so this situation will not happen again. Councillor Borst said that this happens regularly throughout the State of Indiana. It will take legislative action to prevent it from happening again.

Councillor Hinkle said the owner of Southside Utilities has stuck the taxpayers and is walking away with money in his pocket. He will vote for these proposals, but with reservations.

The President called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal Nos. 111 and 112, 1993 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 NOT VOTING: Black, Boyd, Giffin*

Proposal No. 111, 1993 was retitled GENERAL ORDINANCE NO. 13, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 1993

A GENERAL ORDINANCE amending the Section of the Code dealing with the establishment of rates and charges for the use of the sewer system.

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

SECTION 1. Section 27 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by adding a new Section 27-102.5 inserting the language underscored as follows:

Sec. 27-102.5.      Supplemental repair charge for area previously served by the private utility, Southside Utilities, Inc.

(a) Supplemental repair charge imposed. There is hereby imposed monthly a supplemental repair charge, which shall be in addition to any other sewer user charge imposed by this article, payable to the department of public works upon each person owning or occupying real estate in the area described in subsection (b), provided such real estate is connected with and uses the wastewater works whether or not real estate taxes are imposed pursuant to IC 36-9-25 upon such real estate.

(b) Area. The supplemental repair charge established by this section shall apply only to the area previously served by the private utility, Southside Utilities, Inc., under Certificates of Territorial Authority granted by The Indiana Utility Regulatory Commission, as described below:

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 40

Hill Valley Estates, First Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 31, pages 314 and 315, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Second Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 31, pages 393 and 394, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Third Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, pages 43 and 44, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Forth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, pages 45 and 46, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Fifth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 127, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Eighth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 133, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Sixth Section, a subdivision in Marion County, Indiana as per plat thereof, recorded in Plat Book 32, page 236, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Ninth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 269, in the office of the Recorder of Marion County, Indiana.

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 55

TRACT 1

Part of the east half of the northwest quarter of section 23, township 14 north, range 3 east of the second principal meridian, described as follows:

Beginning on the west line of the said half quarter section at a point that is 1244.40 feet south of the northwest corner thereof; thence south on and along the said west line, 1426.45 feet to the southwest corner thereof; thence east, on and along the south line of the said half quarter section, 1335.82 feet to the southeast corner thereof; thence north, on and along the east line of the said half quarter section 1647.63 feet to the southeast corner of Carey Ranch Homesites, First Section, as recorded in the Office of the Recorder of Marion County, Indiana; thence west on a forward deflection angle to the right of 90 degrees - 00' a distance of 225 feet; thence south deflecting to the left 90 degrees - 00' a distance of 80 feet; thence northwesterly deflecting to the right 114 degrees - 32' a distance of 390 feet; thence northwesterly deflecting to the right 17 degrees - 42' a distance of 410.93 feet; thence west deflecting to the left 42 degrees - 27' a distance of 280 feet; thence north deflecting to the right 90 degrees - 00' a distance of 50 feet; thence west deflecting to the left 90 degrees - 00' a distance of 180 feet to a point on the west line of said half quarter section, said point being the southwest corner of the said addition; thence south on and along the said west line 659.40 feet to the place of beginning containing 58.49 acres, more or less, subject to all legal rights-of-way.

TRACT 2

Part of the Northeast Quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows: Beginning at a point on the East line of said 1/4 Section, distant 2041.10 feet South of the Northeast corner thereof, running thence due South and along said East line 25 feet; thence South 88 degrees 47' West and parallel to the North line of said 1/4 Section 260 feet; thence due South and parallel to the East line of said 1/4 Section 150 feet; thence South 88 degrees 47' West 2256.98 feet to a point 175 feet East of the West line of said 1/4 Section; thence North 0 degrees 15' 20" West and parallel to said West line 865.95 feet; thence North 88 degrees 47' East 1116.0 feet to the Southwest corner of Lot 414 in Hill Valley Estates, Ninth Section, as recorded in the Marion County Recorder's Office, Plat Book 32, pages 269 and 270; thence South 0 degrees 15' 20" East 190.88 feet; thence North 88 degrees 47' East 25.57 feet; thence South 1 degree 13' East 185 feet; thence North 88 degrees 47' East 22.83 feet; thence South 1 degree 13' East 145 feet; thence North 88 degrees 47' East 270 feet; thence South 1 degree 13' East 170 feet; thence North 88 degrees 47' East 1075 feet to the point of beginning, containing 28.48 acres more or less. Subject to all legal highways and rights of way.

March 15, 1993

TRACT 3

Part of the Northeast Quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Section, running thence East along the North line thereof 1291 feet; thence South parallel to the West line of said Quarter Section, a distance of 1350 feet to the Quarter Section 1291 feet to the West line thereof; thence North along said West line 1350 feet to the point of beginning, containing in all 40.01 acres more or less. Subject to all legal highways and/or rights of way.

TRACT 4

Part of the Northeast Quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Beginning at a point on the East line of said 1/4 Section, distant 1334 feet South of the Northeast corner thereof; running thence due South and along said East line 707.10 feet; thence South 88 degrees 47 minutes West 1075 feet; thence North 1 degree 13 minutes West 345 feet; thence North 88 degrees 47 minutes East 222.13 feet to the P.C. of curve to the left, said curve having a Delta = 35 degrees 27 minutes and a Radius = 400 feet; thence in a Northeasterly direction along said curve 247.49 feet to P.T. thereof; thence North 53 degrees 20 minutes East 361.96 feet to the P.C. of a curve to the right, said curve having a Delta = 36 degrees 40 minutes and a Radius = 430 feet; thence in a Northeasterly direction along said curve 275.18 feet to the P.T. thereof; thence due East 82.51 feet to the point of beginning, containing in all 12.54 acres more or less. Subject to all legal highways and/or rights of way.

TRACT 5

Part of the northwest quarter of section 24, township 14 north, range 3 east, Marion County, Indiana, more particularly described as follows:

Beginning at a point on the south line of said quarter Section, distant 790 feet west of the southeast corner thereof; running thence south 89 degrees 01' west and along the south line of said quarter section 659.55 feet to the southeast corner of Hill Valley Estates, 3rd Section, the plat of which is recorded in the Marion County Recorder's Office, Plat Book 32, pages 43 & 44; thence north 00 degrees 59' west 140 feet; thence north 89 degrees 01' east 23.30 feet; thence due north 631.72 feet to the southerly line of Hill Valley Estates, Second Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 31, pages 393 & 394; thence north 58 degrees 09' 40" east 199.74 feet; thence north 49 degrees 29' east 268.33 feet; thence south 49 degrees 01' 20" east 454.10 feet; thence south 5 degrees 42' 40" east 201 feet; thence south 24 degrees 26' 40" west 181.25 feet; thence south 14 degrees 36' west 168.48 feet; thence south 5 degrees 10' east 215.60 feet to the point of beginning, containing 13.95 acres more or less.

TRACT 6

Part of the northwest quarter of Section 24, Township 14 north, Range 3 east, in Marion County, Indiana, more particularly described as follows:

Beginning at the southeast corner of said quarter section and running thence south 89 degrees 01 minutes, west and along the south line of said quarter section 790.0 feet to the southeast corner of Lot 271 in Hill Valley Estates, 7th Section - Part A, the plat of which is recorded in the Marion County Recorder's office 64-23380; running thence north 5 degrees 10 minutes, west 215.60 feet; thence north 14 degrees 36 minutes, east 168.48 feet; thence north 24 degrees 26 minutes 40 seconds; east 181.25 feet; thence north 5 degrees 42 minutes 40 seconds, west 201.00 feet; thence north 49 degrees 01 minutes 20 seconds, west 454.10 feet to the southeast corner of Lot 70 in Hill Valley Estates, 2nd Section, the plat of which is recorded in the Marion County Recorder's office, in Plat Book 31, pages 393 and 394; thence north 49 degrees 29 minutes, east 141.67 feet; thence north 58 degrees 14 minutes 10 seconds east 350.00 feet; thence north 68 degrees 35 minutes 10 seconds, east 699.45 feet to a point in the east line of said quarter section, said point being the southeast corner of Lot 81 in Hill Valley Estates, 2nd Section, the plat of which is recorded in the Marion County Recorder's office, in Plat Book 31, pages 393 and 394; thence south 0 degrees 03 minutes, west and along the east line of said quarter section 1558.70 feet to the place of beginning, containing 26.33 acres more or less, subject to all legal highways and rights-of-way.



TRACT 7

Part of the northwest quarter of Section 24, Township 14 north, Range 3 east, in Marion County, Indiana, more particularly described as follows:

Beginning at the northwest corner of said quarter section; running thence east along the north line of said quarter section 2355.59 feet to a point 319.41 feet west of the northeast corner of said quarter section; thence south 195.01 feet to the southwest corner of Lot 91 in Hill Valley Estates 2nd Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 31, page 393, thence west along the north line of Hill Valley Estates 6th Section, 4th Section, and 8th Section 2355.59 feet to the west line of said quarter section; thence north along said west line 194.89 feet to the point of beginning, containing 10.54 acres more or less.

TRACT 8

Part of the southeast quarter of the southwest quarter of Section 13, Township 14 north, Range 3 east, described as follows:

Beginning at the southeast corner of said quarter quarter section, running thence west along the south line thereof 656.04 feet; thence north parallel to the east line thereof 680.70 feet to the center of Stop 11 Road; thence southeasterly on a forward deflection angle to the right of 144 degrees 44 minutes a distance of 406.25 feet; thence deflecting to the left 15 degrees 53 minutes a distance of 541.20 feet to the point of beginning, containing in all 4.42 acres more or less, subject to all legal highways and/or rights of way.

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 62

The northwest quarter of the northwest quarter and part of the southwest quarter of Section 23, Township 14 North, range 3 East of the second principal meridian, described as follows:

Beginning at the northeast corner of the said northwest quarter of the northwest quarter section; thence south 88 degrees, 33 minutes, 30 seconds west on and along the north line of the said quarter quarter section 1348.25 feet to the northwest corner thereof; thence south 00 degrees, 32 minutes east on and along the west line of the northwest quarter and the southwest quarter of the said section 3152.75 feet; thence north 88 degrees, 30 minutes, 30 seconds east 571.35 feet; thence south 00 degrees, 18 minutes east 1084.22 feet; thence north 88 degrees, 18 minutes, 30 seconds east 2065.03 feet; thence north 00 degrees, 26 minutes, 30 seconds west 1560.15 feet to the north line of the said southwest quarter; thence south 88 degrees, 25 minutes, 30 seconds west on and along the said north line 1290.27 feet to the southeast corner of the northwest quarter of the northwest quarter of the said section; thence north on and along the east line of the said quarter quarter section 2670.95 feet to the place of beginning, containing 162.98 acres, more or less, subject to all legal rights of way and easements.

Part of the Southwest Quarter of Section 24, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Beginning at the Northeast Quarter of said 1/4 Section; Running thence South along the East Line thereof 326.17 feet; thence West parallel to the North line of said 1/4 Section 1869.7 feet; thence North parallel to the East Line of said 1/4 Section 326.17 feet to the North Line thereof; thence East along said North Line 1869.7 feet to the point of beginning, containing in all 14 acres more or less. Subject to all legal highways and/or rights of way.

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 78-A

Lots 8 to 19, inclusive, in "Meridian Park," a subdivision in Marion County, the plat of which is recorded in Plat Book 30, page 93, in the office of the Recorder of Marion County, Indiana, and 1000 feet north on Meridian Street, State Highway 135, between the territorial authority granted by Certificates of Territorial Authority Nos. 40, 55 and 62 and the territorial authority described by this paragraph.

(c) How calculated; maximum. The supplemental repair charge established by this section shall in no instance exceed \$9.99 per month and shall be calculated using the following formula:

$SRC = \$9.99, \text{ or, } A + B \div C \div D, \text{ whichever is less.}$



Where:

- SRC = Supplemental repair charge
- A = \$294,000
- B = Actual construction cost of key repairs performed by the department after acquisition of the sanitary sewer system, or, \$674,000, whichever is less
- C = Number of properties in the Area which are connected with and using the wastewater works
- D = 102 months (8 1/2 years)

(d) Effective date and duration: The supplemental repair charge established by this section shall be effective as of the effective date of the acquisition of the assets of the private utility, Southside Utilities, Inc., by the department and shall continue thereafter for 102 months (8 1/2 years). On the effective date, the supplemental repair charge shall be \$9.99 and shall thereafter be subject to automatic downward adjustment under subsection (e).

(e) Automatic downward adjustment. The department shall automatically adjust downward the supplemental repair charge established by this section in the event that the value of factor "B" in the formula set forth in subsection (c) is less than \$674,000.

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

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

Proposal No. 112, 1993 was retitled SPECIAL RESOLUTION NO. 16, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1993

A SPECIAL RESOLUTION ratifying and approving annexation of certain additional territory into the Sanitary District of the City of Indianapolis (Liquid Waste).

WHEREAS, certain area in Perry Township previously served by the private utility, Southside Utilities, Inc., has not been a part of the Indianapolis Sanitary District;

WHEREAS, by Resolution 3059-1993, after notice and hearing, and with the demonstrated support of the property owners in the affected area, the Board of Public Works of the Consolidated City of Indianapolis and Marion County annexed such area into the Indianapolis Sanitary District;

WHEREAS, such annexation is in the best interest of the City and the property owners in the area.

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

SECTION I. The action of the Board of Public Works of the City of Indianapolis and Marion County with respect to the annexation of certain additional area in Perry Township into the Sanitary District of the City of Indianapolis (Liquid Waste) as set forth in Board of Public Works Resolution 3059-1993, and upon the conditions set forth in such Resolution 3059-1993, a copy of which is attached hereto, is hereby ratified and approved.

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

BOARD OF PUBLIC WORKS  
RESOLUTION NO. 3059-1993

CONFIRMING RESOLUTION REGARDING INCORPORATION OF  
AREA CURRENTLY SERVED BY SOUTHSIDE UTILITIES, INC.  
INTO THE SANITARY DISTRICT OF THE  
CITY OF INDIANAPOLIS (LIQUID WASTE)

WHEREAS, according to Indianapolis Code 36-3-1-6 and Board of Public Works Resolutions 2261-1977 and 2267-1978, certain property currently served by the private utility known as Southside Utilities, Inc. ("Southside") is not within the Sanitary District of the City of Indianapolis;

WHEREAS, Southside no longer possesses a Certificate of Territorial Authority to operate a utility has filed a Chapter 11 bankruptcy reorganization petition with the United States Bankruptcy Court, Southern District of Indiana, Indianapolis Division, Cause No. 90-10197 FJO 11 and is engaged in litigation with the City of Indianapolis, Department of Public Works ("Department") in the United States Bankruptcy Court, Cause No. Adversary 91-760;

WHEREAS, the Department has worked extensively with Southside, the Hill Valley Homeowner's Association and the association's legal counsel to negotiate a resolution to the various issues regarding Southside and the sewer service to be provided to the properties in the area currently served by Southside;

WHEREAS, members of the Hill Valley Homeowner's Association Board of Directors and volunteers are in the process of obtaining signatures on petitions requesting incorporation of the area currently served by Southside Utilities, Inc. ("the Area") into the Indianapolis Sanitary District;

WHEREAS, signatures have been obtained from over 300 residents in the Area, which Area contains approximately 950 properties;

WHEREAS, the Department is willing to accept the Area permanently into the Indianapolis Sanitary District, provided that the following events occur: 1) that the matters pending in the United States Bankruptcy Court, including the bankruptcy reorganization and litigation against the Department are resolved; 2) that the Department acquires ownership of the assets of Southside Utilities, Inc; 3) that a Supplemental Repair Rate of less than \$10.00 per month per property for approximately 102 months is set by the Board of Public Works and the City-County Council of the City of Indianapolis;

WHEREAS, Indiana Code 36-3-2-3 and 36-9-25-15 provide for annexation or incorporation of additional territory into the Sanitary District of the City of Indianapolis whenever any territory, by its contour and watershed, or because of extension of sewers by the municipality, is capable of draining sewage into or connecting with the Sanitary System.

WHEREAS, the Board of Public Works preliminarily annexed the Area into the Indianapolis Sanitary District by Resolution 3052-1992 dated December 7, 1992 and by motion of the Board of Public Works amending Resolution 3052-1992, scheduled a public hearing for 1:30 p.m. on January 4, 1993;

WHEREAS, notice of such hearing was published on Tuesday, December 22, 1992 and Sunday, December 27, 1992;

WHEREAS, by the date and time of the hearing, no affected persons have filed with the Board of Public Works remonstrances to having their property annexed;

NOW THEREFORE, BE IT RESOLVED by the Board of Public Works, after hearing all affected persons, that the property approximately encompassing the Hill Valley Estates East and West subdivisions in the vicinity of South Meridian Street and Stop 11 Road which is described more fully in the legal description attached and incorporated as Exhibit A, which Area is currently being served by the private utility, Southside Utilities, Inc., but which is by reason of its contour and watershed and the extension of Sanitary Sewers capable of draining sewage into and connecting with the Sanitary System of the City of Indianapolis, be and hereby is annexed to, incorporated in and made a part of the Sanitary District of the City of Indianapolis. A map depicting the Area described in Exhibit A is attached and incorporated as Exhibit B.

March 15, 1993

BE IT FURTHER RESOLVED THAT, unless stayed by an appeal properly brought pursuant to IC 36-9-25-15(b), such annexation shall be effective immediately so as to enable the Board of Public Works to begin the process of establishing a special sewer service rate pursuant to IC 36-9-25-11 and 36-9-23-25, to be known as the "Supplemental Repair Rate" to apply to the Area annexed by this Resolution only. The annexation shall not be permanent until the following conditions are met: 1) Court approved resolution of the matters pending in the United States Bankruptcy Court, including the Southside Utilities, Inc. Chapter 11 bankruptcy reorganization and the litigation against the City of Indianapolis, Department of Public Works, 2) acquisition by the Department of Public Works of the assets of Southside Utilities, Inc., and 3) establishment by the Board of Public Works and the City-County Council of the City of Indianapolis of the Supplemental Repair Rate of less than \$10.00 per month for approximately 102 months per property connected to and served by the sanitary sewer.

Adopted this 4th day of January, 1993.

\_\_\_\_\_  
Barry S. Baer, Chairman

\_\_\_\_\_  
Tony A. Buford, Member

\_\_\_\_\_  
Tamara E. Hall, Member

\_\_\_\_\_  
Arno W. Haupt, Member

\_\_\_\_\_  
Kenneth W. Hughes, Member

ATTEST:

\_\_\_\_\_  
Lisa Hansen, Secretary

Legal Descriptions of Properties Covered by  
Certificates of Territorial Authority

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 40

Hill Valley Estates, First Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 31, pages 314 and 315, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Second Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 31, pages 393 and 394, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Third Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, pages 43 and 44, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Forth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, pages 45 and 46, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Fifth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 127, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Eighth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 133, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Sixth Section, a subdivision in Marion County, Indiana as per plat thereof, recorded in Plat Book 32, page 236, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Ninth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 269, in the office of the Recorder of Marion County, Indiana.



CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 55

TRACT 1

Part of the east half of the northwest quarter of section 23, township 14 north, range 3 east of the second principal meridian, described as follows:

Beginning on the west line of the said half quarter section at a point that is 1244.40 feet south of the northwest corner thereof; thence south on and along the said west line, 1426.45 feet to the southwest corner thereof; thence east, on and along the south line of the said half quarter section, 1335.82 feet to the southeast corner thereof; thence north, on and along the east line of the said half quarter section 1647.63 feet to the southeast corner of Carey Ranch Homesites, First Section, as recorded in the Office of the Recorder of Marion County, Indiana; thence west on a forward deflection angle to the right of 90 degrees - 00' a distance of 225 feet; thence south deflecting to the left 90 degrees - 00' a distance of 80 feet; thence northwesterly deflecting to the right 114 degrees - 32' a distance of 390 feet; thence northwesterly deflecting to the right 17 degrees - 42' a distance of 410.93 feet; thence west deflecting to the left 42 degrees - 27' a distance of 280 feet; thence north deflecting to the right 90 degrees - 00' a distance of 50 feet; thence west deflecting to the left 90 degrees - 00' a distance of 180 feet to a point on the west line of said half quarter section, said point being the southwest corner of the said addition; thence south on and along the said west line 659.40 feet to the place of beginning containing 58.49 acres, more or less, subject to all legal rights-of-way.

TRACT 2

Part of the Northeast Quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows: Beginning at a point on the East line of said 1/4 Section, distant 2041.10 feet South of the Northeast corner thereof, running thence due South and along said East line 25 feet; thence South 88 degrees 47' West and parallel to the North line of said 1/4 Section 260 feet; thence due South and parallel to the East line of said 1/4 Section 150 feet; thence South 88 degrees 47' West 2256.98 feet to a point 175 feet East of the West line of said 1/4 Section; thence North 0 degrees 15' 20" West and parallel to said West line 865.95 feet; thence North 88 degrees 47' East 1116.0 feet to the Southwest corner of Lot 414 in Hill Valley Estates, Ninth Section, as recorded in the Marion County Recorder's Office, Plat Book 32, pages 269 and 270; thence South 0 degrees 15' 20" East 190.88 feet; thence North 88 degrees 47' East 25.57 feet; thence South 1 degree 13' East 185 feet; thence North 88 degrees 47' East 22.83 feet; thence South 1 degree 13' East 145 feet; thence North 88 degrees 47' East 270 feet; thence South 1 degree 13' East 170 feet; thence North 88 degrees 47' East 1075 feet to the point of beginning, containing 28.48 acres more or less. Subject to all legal highways and rights of way.

TRACT 3

Part of the Northeast Quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Section, running thence East along the North line thereof 1291 feet; thence South parallel to the West line of said Quarter Section, a distance of 1350 feet to the Quarter Section 1291 feet to the West line thereof; thence North along said West line 1350 feet to the point of beginning, containing in all 40.01 acres more or less. Subject to all legal highways and/or rights of way.

TRACT 4

Part of the Northeast Quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Beginning at a point on the East line of said 1/4 Section, distant 1334 feet South of the Northeast corner thereof; running thence due South and along said East line 707.10 feet; thence South 88 degrees 47 minutes West 1075 feet; thence North 1 degree 13 minutes West 345 feet; thence North 88 degrees 47 minutes East 222.13 feet to the P.C. of curve to the left, said curve having a Delta = 35 degrees 27 minutes and a Radius = 400 feet; thence in a Northeasterly direction along said curve 247.49 feet to P.T. thereof; thence North 53 degrees 20 minutes East 361.96 feet to the P.C. of a curve to the right, said curve having a Delta = 36 degrees 40 minutes and a Radius = 430 feet; thence in a Northeasterly direction along said curve 275.18 feet to the P.T. thereof; thence due East 82.51 feet to the point of beginning, containing in all 12.54 acres more or less. Subject to all legal highways and/or rights of way.



March 15, 1993

TRACT 5

Part of the northwest quarter of section 24, township 14 north, range 3 east, Marion County, Indiana, more particularly described as follows:

Beginning at a point on the south line of said quarter Section, distant 790 feet west of the southeast corner thereof; running thence south 89 degrees 01' west and along the south line of said quarter section 659.55 feet to the southeast corner of Hill Valley Estates, 3rd Section, the plat of which is recorded in the Marion County Recorder's Office, Plat Book 32, pages 43 & 44; thence north 00 degrees 59' west 140 feet; thence north 89 degrees 01' east 23.30 feet; thence due north 631.72 feet to the southerly line of Hill Valley Estates, Second Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 31, pages 393 & 394; thence north 58 degrees 09' 40" east 199.74 feet; thence north 49 degrees 29' east 268.33 feet; thence south 49 degrees 01' 20" east 454.10 feet; thence south 5 degrees 42' 40" east 201 feet; thence south 24 degrees 26' 40" west 181.25 feet; thence south 14 degrees 36' west 168.48 feet; thence south 5 degrees 10' east 215.60 feet to the point of beginning, containing 13.95 acres more or less.

TRACT 6

Part of the northwest quarter of Section 24, Township 14 north, Range 3 east, in Marion County, Indiana, more particularly described as follows:

Beginning at the southeast corner of said quarter section and running thence south 89 degrees 01 minutes, west and along the south line of said quarter section 790.0 feet to the southeast corner of Lot 271 in Hill Valley Estates, 7th Section - Part A, the plat of which is recorded in the Marion County Recorder's office 64-23380; running thence north 5 degrees 10 minutes, west 215.60 feet; thence north 14 degrees 36 minutes, east 168.48 feet; thence north 24 degrees 26 minutes 40 seconds; east 181.25 feet; thence north 5 degrees 42 minutes 40 seconds, west 201.00 feet; thence north 49 degrees 01 minutes 20 seconds, west 454.10 feet to the southeast corner of Lot 70 in Hill Valley Estates, 2nd Section, the plat of which is recorded in the Marion County Recorder's office, in Plat Book 31, pages 393 and 394; thence north 49 degrees 29 minutes, east 141.67 feet; thence north 58 degrees 14 minutes 10 seconds east 350.00 feet; thence north 68 degrees 35 minutes 10 seconds, east 699.45 feet to a point in the east line of said quarter section, said point being the southeast corner of Lot 81 in Hill Valley Estates, 2nd Section, the plat of which is recorded in the Marion County Recorder's office, in Plat Book 31, pages 393 and 394; thence south 0 degrees 03 minutes, west and along the east line of said quarter section 1558.70 feet to the place of beginning, containing 26.33 acres more or less, subject to all legal highways and rights-of-way.

TRACT 7

Part of the northwest quarter of Section 24, Township 14 north, Range 3 east, in Marion County, Indiana, more particularly described as follows:

Beginning at the northwest corner of said quarter section; running thence east along the north line of said quarter section 2355.59 feet to a point 319.41 feet west of the northeast corner of said quarter section; thence south 195.01 feet to the southwest corner of Lot 91 in Hill Valley Estates 2nd Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 31, page 393, thence west along the north line of Hill Valley Estates 6th Section, 4th Section, and 8th Section 2355.59 feet to the west line of said quarter section; thence north along said west line 194.89 feet to the point of beginning, containing 10.54 acres more or less.

TRACT 8

Part of the southeast quarter of the southwest quarter of Section 13, Township 14 north, Range 3 east, described as follows:

Beginning at the southeast corner of said quarter quarter section, running thence west along the south line thereof 656.04 feet; thence north parallel to the east line thereof 680.70 feet to the center of Stop 11 Road; thence southeasterly on a forward deflection angle to the right of 144 degrees 44 minutes a distance of 406.25 feet; thence deflecting to the left 15 degrees 53 minutes a distance of 541.20 feet to the point of beginning, containing in all 4.42 acres more or less, subject to all legal highways and/or rights of way.

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 62

The northwest quarter of the northwest quarter and part of the southwest quarter of Section 23, Township 14 North, range 3 East of the second principal meridian, described as follows:

Beginning at the northeast corner of the said northwest quarter of the northwest quarter section; thence south 88 degrees, 33 minutes, 30 seconds west on and along the north line of the said quarter quarter section 1348.25 feet to the northwest corner thereof; thence south 00 degrees, 32 minutes east on and along the west line of the northwest quarter and the southwest quarter of the said section 3152.75 feet; thence north 88 degrees, 30 minutes, 30 seconds east 571.35 feet; thence south 00 degrees, 18 minutes east 1084.22 feet; thence north 88 degrees, 18 minutes, 30 seconds east 2065.03 feet; thence north 00 degrees, 26 minutes, 30 seconds west 1560.15 feet to the north line of the said southwest quarter; thence south 88 degrees, 25 minutes, 30 seconds west on and along the said north line 1290.27 feet to the southeast corner of the northwest quarter of the northwest quarter of the said section; thence north on and along the east line of the said quarter quarter section 2670.95 feet to the place of beginning, containing 162.98 acres, more or less, subject to all legal rights of way and easements.

Part of the Southwest Quarter of Section 24, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Beginning at the Northeast Quarter of said 1/4 Section; Running thence South along the East Line thereof 326.17 feet; thence West parallel to the North line of said 1/4 Section 1869.7 feet; thence North parallel to the East Line of said 1/4 Section 326.17 feet to the North Line thereof; thence East along said North Line 1869.7 feet to the point of beginning, containing in all 14 acres more or less. Subject to all legal highways and/or rights of way.

CERTIFICATE OF TERRITORIAL  
AUTHORITY NO. 78-A

Lots 8 to 19, inclusive, in "Meridian Park," a subdivision in Marion County, the plat of which is recorded in Plat Book 30, page 93, in the office of the Recorder of Marion County, Indiana, and 1000 feet north on Meridian Street, State Highway 135, between the territorial authority granted by Certificates of Territorial Authority Nos. 40, 55 and 62 and the territorial authority described by this paragraph.

PROPOSAL NO. 653, 1992. The proposal appropriates \$30,000 for the Marion County Public Defender Agency to technically amend its 1993 budget. Councillor Dowden asked for consent to postpone Proposal No. 653, 1992 until April 12, 1993. Consent was given.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 89, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 89, 1993 on February 25, 1993. The proposal authorizes approval of an amendment to an existing Interlocal Cooperation Agreement between Indianapolis and Beech Grove for treatment of Beech Grove sewage by Indianapolis. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 89, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Black, Boyd*

Proposal No. 89, 1993 was retitled SPECIAL RESOLUTION NO. 14, 1993 and reads as follows:

March 15, 1993

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 1993

A SPECIAL RESOLUTION ratifying and authorizing approval of an amendment to an existing Interlocal Cooperation Agreement between the City of Indianapolis and the City of Beech Grove for treatment of Beech Grove sewage by Indianapolis.

WHEREAS, by City-County Special Resolution No. 19, 1979 (Proposal No. 202, 1979) the City-County Council of the City of Indianapolis and Marion County, Indiana approved and ratified an agreement between the City of Indianapolis and the City of Beech Grove for treatment of Beech Grove sewage by Indianapolis; and

WHEREAS, the City of Beech Grove wishes to amend the existing agreement to extend its service area as defined in such agreement to include additional area outside the corporate limits of the City of Beech Grove and inside the Indianapolis Sanitary District, which, because of its location and topography cannot be serviced by the City of Indianapolis and can be serviced by the City of Beech Grove. Such area comprises approximately seven proposed lots in the development known as The Timbers, Section 5; and

WHEREAS, the Board of Public Works, by Resolution No. 3053-1992 dated December 21, 1992 approved this amendment; and

WHEREAS, the amendment is in the best interest of the City; now, therefore:

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

SECTION 1. Amendment No. 3 to the Agreement Between the City of Indianapolis and the City of Beech Grove for Sewage Transportation and Treatment Services as attached hereto as Exhibit A is hereby ratified and approved.

SECTION 2. The Director of the Department of Public Works is authorized to execute said amendment on behalf of the City of Indianapolis, as authorized by the Board of Public Works by Resolution 3053-1992.

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

EXHIBIT A  
AMENDMENT NO. 3  
TO THE  
AGREEMENT  
BETWEEN THE CITY OF INDIANAPOLIS  
AND THE CITY OF BEECH GROVE  
FOR SEWAGE TRANSPORTATION AND TREATMENT SERVICES

This Amendment No. 3 is entered into this \_\_\_\_ day of \_\_\_\_\_, 1993 between the CITY OF INDIANAPOLIS, INDIANA, duly acting through its Department of Public Works ("Department"), and the CITY OF BEECH GROVE, duly acting through its Department of Public Works and Board of Sanitation ("Community");

WHEREAS, there exists an Agreement between the City of Indianapolis and the City of Beech Grove for Sewage Transportation and Treatment Services dated April 23, 1979 and recorded as Instrument Number 79-80233 in the Office of the Marion County Recorder ("the Service Agreement");

WHEREAS, the Community wishes to extend its service area as defined in the Service Agreement and the Department wishes to agree to such expansion.

NOW, THEREFORE, the Department and the Community mutually agree as follows:

1. The service area defined in the Service Agreement shall be extended to include the area set forth in Exhibit A attached to this Amendment No. 2. The area depicted in Exhibit A consists of an area outside the corporate limits of the City of Beech Grove and inside the Indianapolis Sanitary District which is able to be served by the Community by virtue of Indiana Code 36-9-2-16, 17 and 18.

2. All other terms and conditions of the Service Agreement, as amended by Amendment No. 1 dated April 16, 1984 and recorded as Instrument No. 87-44727 in the office of the Marion County Recorder, and Amendment No. 2 dated October 12, 1992 and recorded as Instrument No. 92-154213 shall remain the same.



*Journal of the City-County Council*

The undersigned certify that they are duly authorized and empowered to execute this Agreement and bind the governmental unit on whose behalf they sign.

CITY OF INDIANAPOLIS, INDIANA  
Department of Public Works

CITY OF BEECH GROVE, INDIANA  
Department of Public Works

By: \_\_\_\_\_  
Barry S. Baer, Director

By: \_\_\_\_\_  
Phil Gurganas, Director

\_\_\_\_\_  
Printed

As authorized by the Board of  
Public Works by Resolution  
No. \_\_\_\_\_ dated \_\_\_\_\_

As authorized by the Board of  
Sanitation

\_\_\_\_\_  
Signature

As authorized by the City-  
County Council by Resolution  
No. \_\_\_\_\_ dated \_\_\_\_\_

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

As authorized by the City  
Council of Beech Grove

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Signature

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Printed

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Signature

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Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed



Journal of the City-County Council

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for the State of Indiana, personally appeared Phil Gurganas, Director of the Department of Public Works, Beech Grove, Indiana, and who acknowledged the execution of the foregoing Amendment, for and on behalf of the said entity.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

My Commission expires:

\_\_\_\_\_  
Signature

County of Residence:

\_\_\_\_\_  
Printed

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for the State of Indiana, personally appeared \_\_\_\_\_, Board of Sanitation, and who acknowledged the execution of the foregoing Amendment, for and on behalf of the said entity.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

My Commission expires:

\_\_\_\_\_  
Signature

County of Residence:

\_\_\_\_\_  
Printed

This instrument prepared by M. Sue Michael, Assistant Corporation Counsel, 200 E. Washington Street, Suite 1601, Indianapolis, Indiana 46204.

The area to be served by Beech Grove pursuant to Amendment No. 3 is as follows:

Part of the Northwest Quarter of Section 33, Township 15 North, Range 4 East in Marion County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the said Northwest Quarter Section; thence South 00 degrees 12 minutes 12 seconds East along the West line of the said Quarter Section 929.01 feet to a point in Lick Creek (as located April 1978) said point lies North 00 degrees 12 minutes 12 seconds West 325.01 feet from a point on the said West line which lies North 89 degrees 47 minutes 48 seconds East 0.30 feet from the Northeast corner of an existing concrete monument, said monument assumed to be that monument as depicted on the site plans of the Timbers I, recorded March 26, 1974 as Instrument #74-16967 and the amended site plan recorded August 13, 1975 as Instrument #75-43359 in the Office of the Recorder of Marion County, Indiana; thence South 72 degrees 24 minutes 17 seconds East 89.63 feet to a concrete monument set at a point which lies North 15 degrees 47 minutes 48 seconds East 309.61 feet from the said point on the West line of the said Northwest Quarter Section which lies North 89 degrees 47 minutes 48 seconds East 0.30 feet from the Northeast corner of said concrete monument said point being the Northwesterly corner of the said Timbers I as depicted on said site plans; thence North 72 degrees 17 minutes 17 seconds East along the Northerly line of the said Timbers I 402.67 feet to a concrete monument set at the Northwesterly corner of the Timbers II as depicted on the site plan, recorded August 30, 1974 as Instrument #74-55300 and the amended site plan recorded August 13, 1975 as Instrument #75-43360 in the said Recorder's Office and shown therein to be contiguous with the said Timbers I (the next two courses are along the Northerly line of the said Timbers II as depicted on said site plans); thence North 46 degrees 26 minutes 06 seconds East 372.14 feet to a concrete monument set; thence South 48 degrees



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00 minutes 48 seconds East 266.00 feet to a concrete monument set at the Northwesterly corner of the Timbers III as depicted on the site plan, recorded August 15, 1975 as Instrument #75-43967 and the amended site plan, recorded April 21, 1977 as Instrument #77-21075 in the said Recorder's Office and shown therein to be contiguous with the said Timbers II; thence North 88 degrees 00 minutes 00 seconds East along the Northerly line of the said Timbers III, 195.00 feet to a concrete monument set at the Northeasterly corner thereof; thence North 78 degrees 00 minutes 00 seconds East 70.00 feet to a concrete monument set; thence South 72 degrees 00 minutes 00 seconds East 235.00 feet to a point in existing Beech Creek; thence South 27 degrees 53 minutes 37 seconds East 303.46 feet to a concrete monument set; thence South 23 degrees 00 minutes 00 seconds West 135.00 feet to a concrete monument set at the Place of Beginning; thence South 40 degrees 00 minutes 00 seconds East 175.88 feet to a concrete monument set; thence South 67 degrees 34 minutes 50 seconds East 230.86 feet to a iron rod set; thence South 22 degrees 25 minutes 10 seconds West 242.33 feet to a concrete monument set at an angle point on the Northerly line of right of way for I-465 (as located April 1978) per right of way grant to the State of Indiana, recorded August 11, 1961 in Volume 1876, page 67 and re-recorded April 26, 1963 in Volume 1990 page 486 in the said Recorder's Office, said angle point being depicted at 100 feet left of centerline ZZ at station 518 + 50 per plans on file in the Office of the State Highway Department of Indiana; thence North 87 degrees 44 minutes 10 seconds West along the said right of way line 410.27 feet to a concrete monument set on the East line of the Southwest Quarter of the said Northwest Quarter Section; thence North 00 degrees 10 minutes 09 seconds West along the East line of the said Quarter Quarter Section 335.29 feet to a point which bears North 88 degrees 39 minutes 12 seconds East from a point on the West line of the said Quarter Section, which point on the said West line lies South 00 degrees 12 minutes 12 seconds East 71.44 feet from a point on the said West line which lies North 89 degrees 47 minutes 48 seconds East 0.30 feet from the aforesaid Northeast corner of an existing concrete monument said point (on said East line) lies South 00 degrees 10 minutes 09 seconds East 0.72 feet from a concrete monument set at the Northeast corner of the said Quarter Quarter Section which Northeast corner of said Quarter Quarter Section (as set by split) bears North 88 degrees 23 minutes 54 seconds East 1334.65 feet from a concrete monument set, at the Northwest corner of the said Quarter Quarter Section, which Northwest corner of said Quarter Quarter Section (as set by split) bears South 00 degrees 12 minutes 12 seconds East 1330.86 feet from the Northwest corner of the said Quarter Section; thence North 88 degrees 39 minutes 12 seconds East along said line which bears North 88 degrees 39 minutes 12 seconds East from said point on the said West line 137.87 feet to a point which bears South 23 degrees 00 minutes 00 seconds West from the place of beginning; thence North 23 degrees 00 minutes 00 seconds East 100.00 feet to the place of beginning, containing 3.457 acres, more or less, EXCEPT Blocks 1 and 2 and Blocks A, B and C as shown on the Conditional Final Plat for the Timbers Section Five.

A quorum being present, the President called the Solid Waste Collection Special Service District Council to order at 8:40 p.m. Consent was given for the Solid Waste Collection Special Service District Council to meet jointly with the City-County Council to consider Proposal Nos. 102 and 103, 1993 jointly.

PROPOSAL NOS. 102 and 103, 1993. PROPOSAL NO. 102, 1993. The proposal amends S.W.C.S.S.D.F.O. No. 1, 1992 (Solid Waste Collection Special Service District Annual Budget for 1993) by establishing salary increases for bargaining unit employees for calendar year 1993. PROPOSAL NO. 103, 1993. The proposal amends F.O. No. 57, 1992 (City-County Annual Budget for 1993) by establishing salary increases for bargaining unit employees for calendar year 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 102 and 103, 1993 on March 10, 1993. By a 7-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Rhodes moved, seconded by Councillor O'Dell, for adoption. Proposal No. 102 and 103, 1993 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Ruhmkorff*

Proposal No. 102, 1993 was retitled SPECIAL COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1993 and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1993

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending S.W.C.S.S.D.F.O. NO. 1, 1992 establishing salary increases for bargaining unit employees for calendar year 1993.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY:

SECTION 1. Section 2 of Fiscal Ordinance No. 1, 1992 is hereby amended by adding the language underlined as follows:

SECTION 2. The salaries, wages and compensation of the various officers and employees of the Solid Waste Collection Special Service District for the ensuing year as are hereby fixed and approved for all classified personnel of the Solid Waste Collection Special Service District by the Solid Waste Collection Special Service District Council in accordance with the following schedule:

ANNUAL SALARY RANGES  
CITY OF INDIANAPOLIS

<u>Range</u>	<u>Minimum</u>	<u>Top of 1st Quartile</u>	<u>Midpoint</u>	<u>Top of 3rd Quartile</u>	<u>Maximum</u>
1	8,840	10,431	12,301	14,171	16,040
2	9,235	11,270	13,291	15,312	17,333
3	9,571	12,288	14,490	16,694	18,898
4	10,432	13,394	15,795	18,197	20,256
5	11,371	14,598	17,215	19,834	22,450
6	12,394	15,914	18,768	21,621	24,474
7	13,633	17,504	20,642	23,782	26,918
8	14,997	19,253	22,705	26,157	29,610
9	16,408	21,109	24,931	28,751	32,572
10	18,146	23,297	27,474	31,651	35,825
11	19,959	25,626	30,222	34,817	39,412
12	22,156	28,446	33,546	38,646	43,747
13	24,592	31,575	37,238	42,898	48,560
14	27,298	35,047	41,331	47,614	53,899
15	30,301	38,903	45,876	52,851	59,828
16	33,635	43,184	50,926	58,670	66,411
17	37,669	48,364	57,036	65,709	74,378
18	41,153	52,910	62,456	72,003	81,551

Hourly employees in the bargaining unit shall be paid in accordance with the terms of the Master Agreement as approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Solid Waste Collection Special Service District, and the respective amounts herein specified for personal services are hereby appropriated therefor. Provided, however, that no person, official or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance or any ordinance hereafter adopted shall have any vested right to receive such amount, or any minimum amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week.

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

Proposal No. 103, 1993 was retitled FISCAL ORDINANCE NO. 16, 1993 and reads as follows:

March 15, 1993

CITY-COUNTY FISCAL ORDINANCE NO. 16, 1993

A FISCAL ORDINANCE amending F.O. No. 57, 1992 establishing salary increases for bargaining unit employees for calendar year 1993.

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

Section 1. Fiscal Ordinance No. 57, 1992 is hereby amended by adding the language underlined as follows:

Sec. 5.02(f) Hourly employees in the bargaining unit shall be paid in accordance with the Master Agreement approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for said employees.

Section 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

The President then recessed the Solid Waste Collection Special Service District Council and reconvened the City-County Council.

PROPOSAL NO. 104, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 104, 1993 on March 10, 1993. The proposal amends the Code concerning sick leave pay out for certain laid-off employees. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 104, 1993 was adopted on the following roll call vote; viz:

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

*1 NAY: Black*

*1 NOT VOTING: Williams*

Proposal No. 104, 1993, as amended, was retitled GENERAL ORDINANCE NO. 15, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 1993

A GENERAL ORDINANCE amending Sec. 23-27 of the Code of Indianapolis and Marion County:

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

SECTION 1. Sec. 23-27 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words stricken as follows:

Sec. 23-27. Sick leave.

- (a) Accrual schedule for Unigov departments and appropriate county township assessors' offices.
- (1) Full-time employees shall accrue sick leave at the rate of six (6) hours per month, seventy-two (72) hours per year. Part-time employees, at the discretion of the appropriate official, shall accrue sick leave on a pro rata basis (based on the percentage of the normal week which the employee works). Temporary/seasonal or part-time/temporary employees shall not accrue sick leave.
- (2) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with six (6) hours of sick time on the first day of the month following the month in which they were hired.



- (3) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with six (6) hours of sick time on the first day of the second month after they were hired.

~~(4) An employee must work one (1) month before any time can be credited to his/her account.~~

- ~~(54)~~ Sick leave can only accrue if the employee works, is on paid leave of absence, or is receiving workmen's compensation (or any combination of the three) for more than half of the month. However, accrual of sick leave shall end when the employee, receiving workmen's compensation, has received a permanent disability rating, or when the employee has been on workmen's compensation for a period of twelve (12) months from the date of injury, whichever comes first.

(b) Accrual schedule for appropriate county and township assessor's offices.

- (1) Full-time employees shall accrue sick leave at the rate of five and sixty-three-hundredths (5.63) hours per month, sixty-seven and five-tenths (67.5) hours per year. Part-time employees, at the discretion of the appropriate official, may accrue sick leave on a pro rata basis (based on the percentage of the normal week the employee works). Temporary/seasonal or part-time/temporary employees shall not accrue sick leave.

- (2) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with five and sixty-three-hundredths (5.63) hours of sick time on the first day of the month following the month in which they were hired.

- (3) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with five and sixty-three-hundredths (5.63) hours of sick time on the first day of the second month after they were hired.

~~(4) An employee must work one (1) month before any time can be credited to his/her account.~~

- ~~(54)~~ Sick leave can only accrue if the employee works, is on a paid leave of absence or is receiving workmen's compensation for more than half of the month.

(c) Unearned leave. Sick leave cannot be used prior to accrual.

(d) Justification. The burden of proof rests with the employee to convince his supervisor that sick leave is justifiable. The supervisor may require a medical certificate or other evidence of illness. Sick leave is only to be used for a personal doctor's appointment or personal illness. In addition, the appropriate official has the right to request that an employee be examined by a physician and/or medical facility of his or her choice, prior to allowing an employee to return to work, either for a job-related injury or sick leave. The appropriate official will pay the cost of this examination.

(e) Malingering. In case of malingering, the supervisor may designate such leave as vacation leave or leave without pay or as grounds for dismissal.

(f) Conversion. Any employee accruing eighteen (18) days of sick leave subsequent to July 1, 1973, shall be eligible to accrue excess accumulated sick leave. The employee may convert such excess accumulated sick leave to vacation leave at a rate of one (1) vacation day for two (2) days of excess accumulated sick leave. If such employee wishes to make such an election, he/she must file a written request with the appropriate official by December 1st or June 1st of each year. Such leave, which is converted to vacation leave, shall be deducted from the sick leave accumulation of such employee and credited to the employee's vacation account on January 1st or July 1st. Accrued sick leave of an employee must be verified by either the director of administration or his/her designee for city employees, or the appropriate official for county or township assessors' employees. Once conversion is elected, the time converted from sick leave to vacation leave cannot be converted back, and is then subject to the maximum eighty-hour carryover provision.

(g) Separation from employment:

- (1) Upon separation from employment by reason of death, permanent disability as defined by the Social Security Act, or retirement under circumstances such that the employee would be eligible for retirement benefits under Social Security or any other plan in effect by the employer, any employee

with more than one (1) year of employment from the last date of hire will be entitled to compensation for accrued accumulated sick leave at one-half his or her regular daily rate or compensation.

- (2) An employee who is laid off due to reduction in force will be entitled to compensation for accrued, accumulated sick leave at one-half his/her regular daily rate of compensation up to a maximum of eighteen (18) days of compensation if the employee has more than one (1) year of employment from the last date of hire and relinquishes any and all recall rights whether established by contract or by policy, within ten (10) days of being laid off.

(h) Charging sick leave. Sick leave may only be taken for a minimum of one hour.

(i) Disability leave. Once temporary disability leave commences, all vacation leave, sick leave or other paid time shall be exhausted.

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

SECTION 3. Should any provision (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 4. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 105, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 105, 1993 on March 10, 1993. The proposal, sponsored by Councillor Gilmer, authorizes the lease of office space for the Pike Township Assessor. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Gilmer, for adoption. Proposal No. 105, 1993 was adopted on the following roll call vote; viz:

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

Councillor Rhodes abstained from voting due to a conflict of interest.

Proposal No. 105, 1993, as amended, was retitled SPECIAL RESOLUTION NO. 15, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 1993

A SPECIAL RESOLUTION authorizing the lease of office space for the Pike Township Assessor.

WHEREAS, the Pike Township Assessor desires to lease office space in Pike Township from the Pike Township Trustee commencing January 1, 1994 within an office building to be built at the northeast corner of the intersection of 56th Street and Lafayette Road; and

WHEREAS, fifty owners of taxable real estate have submitted a petition requesting the lease of office space for the use of the Pike Township Assessor; and

WHEREAS, the Pike Township Assessor is required by law to have an office in her township, but does not presently have an office in the township she serves; and

WHEREAS, the City-County Council has investigated the conditions requiring the need for office space, all pursuant to IC 36-1-10-7,

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

SECTION 1. Pursuant to IC 36-1-10-7, the City-County Council hereby determines that the following office space is needed by the Pike Township Assessor, to-wit: 5,000 square feet, more or less, of office space within an office building to be built at the northeast corner of the intersection of 56th Street and Lafayette Road, which building will be owned by the Pike Township Trustee.

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

PROPOSAL NO. 107, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 107, 1993 on March 10, 1993. The proposal, sponsored by Councillor Borst, transfers and appropriates \$149,393 for the County Coroner to cover salary and supply expenses associated with performing pathology services in-house. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Borst, for adoption. Proposal No. 107, 1993 was adopted on the following roll call vote; viz:

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

*1 NAY: Black*

*4 NOT VOTING: Coughenour, Franklin, Gilmer, Williams*

Proposal No. 107, 1993 was retitled FISCAL ORDINANCE NO. 17, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional One Hundred Forty-nine Thousand Three Hundred Ninety-three Dollars (\$149,393) in the County General Fund for purposes of the County Coroner 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:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Sections 1.02 (g) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Coroner to move funds to pay for salaries and supplies associated with new in-house pathology services.

SECTION 2. The sum of One Hundred Forty-nine Thousand Three Hundred Ninety-three Dollars (\$149,393) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

COUNTY CORONER

1. Personal Services
2. Supplies

COUNTY GENERAL FUND

\$96,698  
30,000



COUNTY AUDITOR

1. Personal Services (fringes)	<u>22,695</u>
TOTAL INCREASE	\$149,393

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

COUNTY CORONER

3. Other Services and Charges
TOTAL REDUCTION

COUNTY GENERAL FUND

<u>\$149,393</u>
\$149,393

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

PROPOSAL NO. 110, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 110, 1993 on March 3, 1993. The proposal amends the Code to allow Monument Circle to be included in parade routes for certain events. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor West, for adoption.

The President asked if the grandstands that will be set up on the Circle will effect the pedestrian traffic which in turn would have an impact on local business. Jeff Elrod, President of Jack Elrod Company, said that his company installs all the bleachers for the parade. There will be a minimum of seven feet behind all the grandstands on the Circle and the Circle will be the last area where the stands would be installed.

Councillor Gilmer asked what the steel stands would do to the brick. Mr. Elrod responded that plywood pads will be put underneath each grandstand and the load that will be on the brick is one-third of what the brick experiences with the weight of a car.

Councillor West said that the Indianapolis Symphony President Robert Jones stated that the bleachers on the Circle might pose obstacles for school buses bringing students to the Circle Theatre the week of the race. Elizabeth Kraft, executive director of 500 Festival Associates, said that the Festival Association will meet with the Indianapolis Symphony to work out a solution.

Proposal No. 110, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 110, 1993 was retitled GENERAL ORDINANCE NO. 16, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 1993

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by adding a provision modifying the parade route for parades able to provide a split TV feed for international distribution.

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

SECTION 1. Sec. 43 of Chapter 21 of the Code of Indianapolis and Marion County is hereby amended by adding subsection (c) as follows:

Sec. 21-43 Designated Parade Route.

(a) Except where the applicant for a parade permit demonstrates to the satisfaction of the director that there are factors requiring an exception, all parades for which a permit is required shall confine themselves to and follow this designated route: South on Pennsylvania Street from Saint Clair Street to Ohio Street; west on Ohio Street from Pennsylvania Street to Meridian Street; and north on Meridian Street from Ohio Street to Saint Clair Street.

(b) Except where the director determines that special circumstances make it unnecessary, traffic shall be excluded (during the time reserved for a parade) from the streets and alleys located within the area encompassed by Illinois Street on the west, Market Street and Monument Circle on the south, Delaware Street on the east, and Twelfth Street on the north. Provided, that traffic shall not be excluded from Illinois Street, Market Street, Monument Circle, Delaware Street, Twelfth Street, Eleventh Street or Interstate 65.

(c) Other provisions of this chapter notwithstanding, the director may issue a permit and designate a parade route which includes Monument Circle for parades that have the ability to offer and deliver a split television feed for international distribution.

SECTION 2. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 115, 1993. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 115, 1993 on March 2, 1993. The proposal, sponsored by Councillors Curry, Beadling, Coughenour, Franklin, Giffin, Gilmer, Ruhmkorff, Schneider and Smith, amends the Code by establishing oversight review processes for the 1993-1995 Capital Improvement Program. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Schneider, for adoption. Proposal No. 115, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Short*

Proposal No. 115, 1993 was retitled GENERAL ORDINANCE NO. 17, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE 17, 1993

A GENERAL ORDINANCE establishing oversight review processes for the 1993-1995 Capital Improvement Program.

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, be and is hereby amended by adding a new Article in Chapter 191 to read as follows:

CHAPTER 191. AUDITING

ARTICLE III. CIP OVERSIGHT REVIEW

Sec. 191-301. Pursuant to IC 36-3-4-24(b)(1), the City-County Council hereby establishes the following procedures for oversight reviews of 1993-1995 Capital Improvement Program projects.

Sec. 191-302. Definitions:

- (1) *CIP Project* means any of the projects financed as part of the 1993-1995 Capital Improvement Program.
- (2) *Bond Bank* means the Indianapolis Loan Public Improvement Bond Bank established pursuant to IC 5-1.4-2.1.
- (3) *Deliverable* means a good or service for which the City has contracted to receive and which is directly related to a CIP Project.

Sec. 191-303. The Bond Bank shall be responsible for conducting, or having conducted, oversight reviews of CIP projects. Expenses incurred for such reviews will be recognized expenses to be paid from the funding source for each CIP project.

Sec. 191-304. The scope of work for the Indianapolis Bond Bank shall include, as a minimum:

- (1) Verify that procurement procedures within and between departments clearly cite all deliverables in observable and measurable terms.
- (2) Verify that procedures to manage and approve change orders include impact on deliverables as to kind, cost and timing.
- (3) Verify that procedures cause prompt record entries for deliverables recognizing commonly accepted accounting and engineering practices.
- (4) Monitor and report on compliance to these procedures and other business practices as required by law or administrative order.

Sec. 191-305. Preliminary findings suggesting non-compliance shall immediately and simultaneously be reported to the Mayor and President of the Council.

Sec. 191-306. In the event of a non-compliance report, the Committee on Rules and Public Policy may request the director of the department managing the project for which a non-compliance finding has been issued, to appear before the committee to address the non-compliance finding. The director shall identify the actions to be taken to rectify any non-compliance finding. The committee shall give the director at least thirty (30) days to address any non-compliance issue and to report back to the committee on the actions taken to resolve the matter.

Sec. 191-307. Final oversight review shall be distributed to all Councillors and to the Mayor and the director of the department managing the respective project. Final oversight review shall be referred by the President of the Council to the appropriate standing committee.

SECTION 2. This ordinance shall take effect upon adoption and shall expire upon receipt of the last oversight review of CIP projects.

PROPOSAL NO. 90, 116, 117, 118, 119, 120, 121 and 122, 1993. Councillor Gilmer asked for consent to vote on these eight transportation proposals together. Consent was given. PROPOSAL NO. 90, 1993. The proposal amends the Code by authorizing a four-way stop at Bosart Avenue and Nowland Avenue (District 15). PROPOSAL NO. 116, 1993. The proposal amends the Code by authorizing stop signs at various intersections in the Big Run subdivision (District 23). PROPOSAL NO. 117, 1993. The proposal amends the Code by authorizing stop signs at various locations in The Islands subdivision (District 1). PROPOSAL NO. 118, 1993. The proposal amends the Code by authorizing stop signs at Rahke Road and South Creek Drive North, and at Webb Street and LeGrande Avenue (Districts 20, 25). PROPOSAL NO. 119, 1993. The proposal amends the Code by changing the intersection controls at Central Avenue and 82nd Street and at Central Avenue and 84th Street from a two-way stop to a multi-way stop (District 2). PROPOSAL NO. 120, 1993. The proposal amends the Code by authorizing multi-way stops at Admirals Point Drive and

Old Stone Drive, and at Admirals Bay Drive and Old Stone Drive (District 5). PROPOSAL NO. 121, 1993. The proposal amends the Code by authorizing a multi-way stop at Cross Key Drive and Middleton Court and Bridger Court (District 1). PROPOSAL NO. 122, 1993. The proposal amends the Code by authorizing a multi-way stop at Dapple Trace and 58th Street (District 9). Councillor Gilmer reported that the Transportation Committee heard these proposals on February 24, 1993. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal Nos. 90, 116, 117, 118, 119, 120, 121 and 122, 1993 were adopted on the following roll call vote; viz:

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

Proposal No. 90, 1993 was retitled GENERAL ORDINANCE NO. 18, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 4	Bosart Ave. & Nowland Ave.	Bosart Ave.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 4	Bosart Ave. & Nowland Ave.	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. 116, 1993 was retitled GENERAL ORDINANCE NO. 19, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 1993

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

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



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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41 Pg. 1	Arrowhead Tr & Palomino Tr	Palomino Tr	Stop
41 Pg. 1	Palomino Tr & Raindance Tr	Palomino Tr	Stop
41 Pg. 2	Palomino Tr & Thompson Rd	Thompson Rd	Stop
41 Pg. 2	Raindance Tr & Sundance Tr	Sundance Tr	Stop

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

Proposal No. 117, 1993 was retitled GENERAL ORDINANCE NO. 20, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 1	Aqueous Le. & Oceanline Dr.	Oceanline Dr.	Stop
15, Pg. 2	Dandy Trail & Oceanline Dr.	Dandy Trail	Stop
15, Pg. 3	Eddy Ct. & Oceanline Dr.	Oceanline Dr.	Stop
15, Pg. 3	Island Dr. & Oceanline Dr.	Oceanline Dr.	Stop
15, Pg. 3	Island Way & Oceanline Dr.	Oceanline Dr.	Stop
15, Pg. 4	Maritime Dr. & Oceanline Dr.	Oceanline Dr.	Stop
15, Pg. 4	Oceanline Dr. (NB/ SB) & Oceanline Dr. (EB)	Oceanline Dr. (EB)	Stop
15, Pg. 4	Oceanline Dr. & Seaway Dr.	Oceanline Dr.	Stop
15, Pg. 4	Oceanline Dr. & Waterfront Dr.	Oceanline Dr.	Stop

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

Proposal No. 118, 1993 was retitled GENERAL ORDINANCE NO. 21, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32 Pg. 13	LeGrande Av. & Webb St.		None

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32 Pg. 13	LeGrande Av. & Webb St.	LeGrande Av.	Stop
46 Pg. 7	Rahke Rd & South Creek Dr. N.	Rahke Rd	Stop

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

Proposal No. 119, 1993 was retitled GENERAL ORDINANCE NO. 22, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 1	Central Av. & 82nd St.	Central Av.	Stop
4, Pg. 1	Central Av. & 84th St.	Central Av.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 1	Central Av. & 82nd St.	None	All Way Stop



<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9 Pg. 1	Cross Key Dr & Middleton Court & Bridger Court	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. 122, 1993 was retitled GENERAL ORDINANCE NO. 25, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 1	Dapple Trace & 58th St	Dapple Trace	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 1	Dapple Trace & 58th 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 NOS. 123, 124, 125, 126, 127, 128, 129 and 130, 1993. Councillor Gilmer asked for consent to vote on these eight transportation proposals together. Consent was given. PROPOSAL NO. 123, 1993. The proposal amends the Code by changing the intersection controls at Illinois Street and 32nd Street from a traffic signal to stop signs (District 9). PROPOSAL NO. 124, 1993. The proposal amends the Code by changing the parking restrictions on a segment of Brookside Avenue (District 22). PROPOSAL NO. 125, 1993. The proposal amends the Code by changing the parking restrictions on College Avenue between 27th Street and Fall Creek Parkway, North Drive (District 22). PROPOSAL NO. 126, 1993. The proposal amends the Code by deleting the parking restrictions on Dr. Martin Luther King Jr. Street on the west side from 10th Street to 11th Street (Districts 9, 16). PROPOSAL NO. 127, 1993. The proposal amends the Code by authorizing a "No Parking Here to Corner" zone at the intersection of Michigan Street and Gray Street (District 15). PROPOSAL NO. 128, 1993. The proposal amends the Code by authorizing a "No Parking Here to Corner" zone at the intersection of Crestview Avenue and 54th Street (Districts 6, 7). PROPOSAL NO. 129, 1993. The proposal amends the Code by authorizing a bus stop zone at 1635 West Michigan Street in front of the Goodwill Industries (District 17). PROPOSAL NO. 130, 1993. The proposal amends the Code by authorizing a bus stop zone on a segment of Michigan Street in the vicinity of University Blvd. (District 16). Councillor Gilmer reported that the Transportation Committee heard these proposals on February 24, 1993. By



unanimous vote, the Committee reported Proposal Nos. 123, 125, 126, 127, 128, 129 and 130, 1993 to the Council with the recommendation that they do pass. By a 7-0 vote, the Committee reported Proposal No. 124, 1993 to the Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Moriarty, for adoption. Proposal Nos. 123, 124, 125, 126, 127, 128, 129 and 130, 1993 were adopted on the following roll call vote; viz:

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

Proposal No. 123, 1993 was retitled GENERAL ORDINANCE NO. 26, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1993

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 9	Illinois St & 32nd St	None	Signal

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 9	Illinois St & 32nd St	Illinois 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. 124, 1993, as amended, was retitled GENERAL ORDINANCE NO. 27, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets; Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets; Section 29-272 Parking time restricted on designated days.

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

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

*Journal of the City-County Council*

Brookside Avenue, on the westside,  
from 10th Street to 11th Street

Brookside Avenue, on the southside,  
from 11th Street to Arsenal Avenue

Brookside Avenue, on the southside,  
from Newman Street to Commerce Avenue

SECTION 2. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

Brookside Avenue, on both sides,  
from 10th Street to a point 200 feet north of 10th Street

Brookside Avenue, on the southeast side,  
from a point 200 feet north of 10th Street to Newman Street

SECTION 3. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-272, Parking time restricted on designated days, be, and the same is hereby amended by the deletion of the following, to wit:

NINETY MINUTES  
ON ANY DAY EXCEPT SUNDAY  
From 9:00 a.m. to 6:00 p.m.

Brookside Avenue, on the northwest side,  
from 10th Street to Newman Street

SECTION 4. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Brookside Avenue, on the northside,  
from 11th Street to 12th Street

Brookside Avenue, on the southside,  
from 10th Street to Commerce Avenue

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

Proposal No. 125, 1993 was retitled GENERAL ORDINANCE NO. 28, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 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, Section 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:

College Avenue, on the east side, from  
Twenty-seventh Street to Fall Creek Parkway, North Drive

March 15, 1993

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

College Avenue, on the east side, from  
Twenty-eighth Street to Fall Creek Parkway, North Drive

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

Proposal No. 126, 1993 was retitled GENERAL ORDINANCE NO. 29, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 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, Section 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:

Dr. Martin Luther King Jr. Street,  
on the westside, from  
Tenth Street to Eleventh Street

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

Proposal No. 127, 1993 was retitled GENERAL ORDINANCE NO. 30, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 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, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Michigan Street, on the southside,  
from Gray Street to a point 60 feet east of Gray Street

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

Proposal No. 128, 1993 was retitled GENERAL ORDINANCE NO. 31, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 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, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

54th Street, on both sides,  
from a point 50 feet west of Crestview Avenue  
to a point 50 feet east of Crestview Avenue

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

Proposal No. 129, 1993 was retitled GENERAL ORDINANCE NO. 32, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-332, Bus stop zones.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-332, Bus stop zones, be, and the same is hereby amended by the addition of the following, to wit:

Michigan Street, on the southside,  
from a point 20 feet west of Cable Street  
to a point 140 feet west of Cable Street

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

Proposal No. 130, 1993 was retitled GENERAL ORDINANCE NO. 33, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-332, Bus stop zones.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-332, Bus stop zones, be, and the same is hereby amended by the addition of the following, to wit:

Michigan Street, on the north side, from a point  
248 feet east of University Boulevard  
to a point 388 feet east of University Boulevard (140 feet)

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

**OLD BUSINESS**

Councillor Williams said that eight months ago she introduced a proposal concerning weapons and security in the City-County Building. She asked when she could expect the Public Safety and Criminal Justice Committee to hear this proposal. The President said that he is expecting to have a meeting with the judges and any Councillors who are interested in this problem within the next couple of weeks.



March 15, 1993

**NEW BUSINESS**

Councillor Beadling said that she would like to thank Meals on Wheels for the food basket that each Councillor received. The President said that he believes this is a great organization.

**ANNOUNCEMENTS AND ADJOURNMENT**

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:25 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 15th day of March, 1993.

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)