

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

**REGULAR MEETINGS
MONDAY, APRIL 14, 1997**

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 7:04 p.m. on Monday, April 14, 1997, with Councillor SerVaas presiding.

Councillor Moores 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:

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

1 ABSENT: Black

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gilmer introduced the new Executive Director for the IndyGo Mobility Management Office, Mary Jo Morandini, and the Public Information Manager for IndyGo, Amy Gilkison. Councillor O'Dell recognized members of the Lowell Civic League and other residents of Warren Township in attendance.

OFFICIAL COMMUNICATIONS

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

A. Clerk of the Council

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 14, 1997, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

March 18, 1997

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* or the *Indianapolis News* on Friday, March 21, 1997, a copy of a Notice of Public Hearing on Proposal Nos. 111 and 175, 1997, said hearing to be held on Monday, April 14, 1997, at 7:00 p.m. in the City-County Building.

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

March 19, 1997

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 19, 1997 - approves a transfer of \$8,008 in the County Commissioners' 1997 Budget (County General Fund) to fund the reclassification of a position in that agency

Respectfully,
s/Stephen Goldsmith, Mayor

March 21, 1997

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 17, 1997 - approves an increase of \$4,319,751 in the Information Services Agency's 1997 Budget (Information Services Internal Services Fund) to fund increases in the SCT contract

funded by additional revenues from county agencies and city departments that requested the amendments to the contract

FISCAL ORDINANCE NO. 18, 1997 - approves an increase of \$13,892,894 in the 1997 Budget of the Department of Metropolitan Development, Planning Division, Administrative Services Division, Division of Community Development and Human Services, and Permits Division (Consolidated County Fund, Redevelopment General Fund, State Grants Fund, and Federal Grants Fund) to fund various projects financed by fund balances

FISCAL ORDINANCE NO. 20, 1997 - approves an increase of \$3,020,000 in the Department of Parks and Recreation's 1997 Budget (Parks General Fund) to fund various park capital improvement projects funded by a Lilly Endowment grant

FISCAL ORDINANCE NO. 21, 1997 - approves an increase of \$3,237,000 in the Department of Parks and Recreation's 1997 Budget (City Cumulative Capital Development Fund) to fund various park capital improvements funded from the fund balance

FISCAL ORDINANCE NO. 22, 1997 - approves an increase of \$209,495 in the 1997 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to fund special projects financed by revenues from a federal grant

FISCAL ORDINANCE NO. 23, 1997 - approves an increase of \$161,650 in the City Controller's 1997 Budget (Metropolitan Emergency Communications Agency Indianapolis Emergency Telephone System Fund) to establish a back-up communication facility at 4925 Shelby Street financed by the fund balance

FISCAL ORDINANCE NO. 24, 1997 - approves an increase of \$16,922,695 in the 1997 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund, Sanitation Liquid Waste Fund, Parking Meter Fund, and Flood General Fund) to fund various capital projects funded by fund balances

FISCAL ORDINANCE NO. 25, 1997 - approves an increase of \$3,694,000 in the 1997 Budget of the Capital Asset Management, Asset Management Division (Advanced Wastewater Treatment Facilities Revenue Fund) to fund certain listed capital expenditures financed by the fund balance

GENERAL ORDINANCE NO. 35, 1997 - authorizes a traffic signal at Hanna Avenue and Hanna Circle (5600 West) (District 19)

GENERAL ORDINANCE NO. 36, 1997 - authorizes intersection controls for Buck Creek Meadows Subdivision, Section 1 (District 23)

GENERAL ORDINANCE NO. 37, 1997 - authorizes a multi-way stop at 75th Street and Sargent Road (District 4)

GENERAL ORDINANCE NO. 38, 1997 - authorizes the removal of the multi-way stop at 68th Street and Riley Avenue (District 7)

GENERAL ORDINANCE NO. 39, 1997 - authorizes a one-way restriction westbound for Roosevelt Avenue from Sherman Drive to the first alley west (District 10)

GENERAL ORDINANCE NO. 40, 1997 - authorizes a change from a one-way street to a two-way street on Woodlawn Avenue from Shelby Street to Virginia Avenue; and authorizes a multi-way stop at Shelby Street and Woodlawn Avenue (District 16)

GENERAL ORDINANCE NO. 41, 1997 - authorizes a change in parking meter hours from 7:00 a.m. - 6:00 p.m. to 9:00 a.m. - 5:00 p.m. for Indiana Avenue from New York Street to North Street (both sides) (District 16)

GENERAL ORDINANCE NO. 42, 1997 - authorizes parking restrictions on 65th Street (both sides) from Johnson Road to 860 feet east of Johnson Road (District 4)

SPECIAL ORDINANCE NO. 2, 1997 - a special ordinance authorizing the issuance of City of Indianapolis, Indiana Variable/Fixed Rate Multifamily Housing Revenue Bonds, Series 1997A (Broad Ripple Lakes, LP Project) in an aggregate principal amount not to exceed \$7,950,000 and City of Indianapolis, Indiana Taxable Variable/Fixed Rate Multifamily Housing Revenue Bonds, Series 1997B (Broad Ripple Lakes, LP Project) in an aggregate principal amount not to exceed \$3,300,000 for the acquisition and rehabilitation of the existing 398-unit Brittany Woods Apartments located at 5018 LeMans Drive, Indianapolis, Indiana, under revenue bond authorization of IC 36-7-11.9 and IC 36-7-12 of the Economic Development Commission (District 7)

SPECIAL ORDINANCE NO. 3, 1997 - a special ordinance authorizing issuance of City of Indianapolis, Indiana Economic Development Multifamily Housing Mortgage Revenue Bonds, Series 1997A (FHA

Insured Mortgage Loan - Castle Dore Apartment Project) in an aggregate principal amount not to exceed \$7,135,000 and City of Indianapolis, Indiana Taxable Economic Development Multifamily Housing Mortgage Revenue Bonds, Series 1997B (FHA Insured Mortgage Loan - Castle Dore Apartments Project) in the principal amount not to exceed \$5,000 for the acquisition and substantial rehabilitation of the existing 190-unit Castle Dore Apartment project located at 4649 Strawbridge Road, under revenue bond authorization of IC 36-7-11.9 and IC 36-7-12 of the Economic Development Commission (District 24)

SPECIAL RESOLUTION NO. 13, 1997 - recognizes the City Basketball Tournament Champion Arlington Golden Knights

SPECIAL RESOLUTION NO. 14, 1997 - recognizes retired Cooperative Extension Service Horticulture Agent, Richard O. Crum

SPECIAL RESOLUTION NO. 15, 1997 - recognizes Broad Ripple

SPECIAL RESOLUTION NO. 16, 1997 - an inducement resolution for GenAI, LLC in an amount not to exceed \$2,400,000 to proceed with the construction and acquisition of machinery, equipment and other fixtures to be used in the manufacturing of aluminum sulfate and marketing of various other water treatment chemicals and chemical storage systems to be located at 1600 South Senate Avenue (GenAI, LLC Project) (District 25)

SPECIAL RESOLUTION NO. 17, 1997 - an inducement resolution for Carter Plastics, L.L.C. in an amount not to exceed \$9,500,000 to enable the applicant to proceed with the acquisition, construction and equipping of a facility to be used for the manufacturing of plastic stadium cup and plastic food packaging to be located at 2200 Turner Avenue (Carter Plastics, L.L.C. Project) (District 17)

SPECIAL RESOLUTION NO. 18, 1997 - approves a public purpose grant in the amount of \$25,000 to Central Indiana Radio Reading, a division of Metropolitan Indianapolis Public Broadcasting, Inc., for the purpose of providing radio reading programs for the blind and print-disabled in Marion County

SPECIAL RESOLUTION NO. 19, 1997 - approves the disbursement of \$507,000 in Community Development Block Grant Funds

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1997 - approves an increase of \$91,266 in the 1997 Budget of the Department of Public Safety, Police Special Service District (Police Service District Fund) to fund overtime of street patrols funded by a neighborhood grant

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1997 - approves an increase of \$750,000 in the 1997 Budget of the Department of Metropolitan Development, Division of Community Development and Human Services (Solid Waste Collection Service District Fund) to fund removal of debris from the department's Unsafe Building Program financed from fund balance

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1997 - approves an increase of \$400,000 in the 1997 Budget of the Department of Public Works, Administration (Solid Waste Collection Service District Fund) to fund a contract for Geographic Information System (GIS) improvements funded from the fund balance

Respectfully,
s/Stephen Goldsmith, Mayor

B. Committee recommendation for appointment of assistant attorney.

Councillor Curry stated that the Rules and Public Policy Committee recommended the appointment of Aaron Haith as assistant attorney by a vote of 5-0 on Tuesday, April 8, 1997, subject to his resignation from the Indianapolis Public Housing Agency (IPHA) Board of Commissioners. Councillor Curry moved, seconded by Councillor Borst, the adoption of the appointment.

Councillor Boyd stated that he is not in favor of this motion. He added that he has requested a legal assessment from Steve Carter, Corporation Counsel, regarding the legalities and possible conflicts of interest which pertain to Mr. Haith's dual role in the event of his appointment as assistant attorney. He stated that after much research he is under the opinion that there is no technical conflict of interest, and Mr. Haith's dual role would be no different than a Councillor being appointed to serve on a board.

Councillor Williams stated that she would like to see the appointment tabled until a legal opinion is forthcoming from Corporation Counsel. She added that she objects to taking a vote on the motion as stated.

Councillors Curry and Borst withdrew the motion and second. Councillor Curry moved, seconded by Councillor Talley, to return the matter to Committee pending legal opinion. The motion carried by a unanimous voice vote.

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of February 24, 1997 and March 14, 1997. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 244, 1997. The proposal, sponsored by Councillors Gilmer, Dowden, McClamroch, and SerVaas, recognizes Butler University and its winning 1996-97 basketball team. Councillor Gilmer read the proposal and Councillors Dowden and McClamroch presented representatives with copies of the document and Council pins. Councillor Gilmer invited Butler alumni Councillors Boyd and Coonrod to join in the recognition of their alma mater. Butler University President Jeffrey Bannister and Coach Barry Collier thanked the Council for this honor and introduced the players, coaches, and athletic director. Councillors SerVaas, McClamroch, Boyd, and Coonrod expressed congratulations to the team. Councillor Gilmer moved, seconded by Councillor Dowden, for adoption. Proposal No. 244, 1997 was adopted by a unanimous voice vote.

Proposal No. 244, 1997 was retitled SPECIAL RESOLUTION NO. 20, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 1997

A SPECIAL RESOLUTION recognizing Butler University and its winning 1996-97 basketball team.

WHEREAS, since its founding in 1855, only eight years after Indianapolis government went from a town to a city status and the Civil War was still a few years away, Butler University has been preparing students to meet the challenges of the future; and

WHEREAS, Butler University has played a significant role through the years in the economic, cultural and educational progress of Indianapolis; and

WHEREAS, Butler University also supports athletics in Indianapolis by being the official co-host along with the Midwestern Collegiate Conference of the National Collegiate Athletic Association's Final Four Basketball Championships in this city in 1991, 1997 and again in the year 2000; and

WHEREAS, this year the Butler Bulldogs under Head Coach Barry Collier were invited to the NCAA Tournament for the first time in 35 years due to an outstanding regular play season of 23 wins and being the Midwestern Collegiate Conference champion team; 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 with pride the local Butler University and its winning Bulldogs basketball team.

SECTION 2. With junior year players Jon Neuhouser being Conference Player of the Year, Rolf van Rijn setting a school record of 64 blocked shots and Jeff Rogers leading the Conference in assists—Butler is in position to be a very strong basketball contender next season.

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. 246, 1997. The proposal, sponsored by Councillor Talley, congratulates Mt. Zion Apostolic Church. Councillor Talley read the proposal and moved for its adoption. Councillor Bradford seconded the motion, and Proposal No. 246, 1997 was adopted by a unanimous voice vote.

Proposal No. 246, 1997 was retitled SPECIAL RESOLUTION NO. 22, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 1997

A SPECIAL RESOLUTION congratulating Mt. Zion Apostolic Church.

WHEREAS, the year was 1922, Warren Harding was in the White House, only four short years earlier Indianapolis had lost almost 400 of its souls in the First World War, the city's annual budget still had line items of horseshoes and hay, and Mt. Zion Apostolic Church was organized; and

WHEREAS, like a mighty oak tree, the small seed of Mt. Zion took firm root and has grown and prospered to the point of now moving to larger quarters at 4900 East 38th Street to better be able to meet the needs of the congregation and the neighborhood; and

WHEREAS, under the leadership of Pastor, Bishop-elect Lambert W. Gates, Sr., Mt. Zion Apostolic Church's outreach involves neighborhood children in painting, picking up trash and planting flowers, along with a teen pregnancy prevention program, and programs for latchkey children and distributing food; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates all those persons associated with Mt. Zion Apostolic Church for their Christian teachings and community outreach in this city during the past three-quarters of a century.

SECTION 2. The past is but a prelude to the future, and today Indianapolis needs God's message now as never before; and with this new and larger Church facility, we sincerely hope and pray that the Mt. Zion Apostolic Church congregation will be willing and able, with God's help, to redouble its commitment to do good work both within these walls, and in the greater community outside of this fine building.

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

April 14, 1997

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

The President passed the gavel to Vice President McClamroch.

PROPOSAL NO. 263, 1997. The proposal, sponsored by Councillors Gilmer and SerVaas, thanks the 2,300 volunteers of the 1997 NCAA Final Four Tournament. Councillor Gilmer read the proposal, and Councillor SerVaas presented copies of the document and Council pins to representatives. Councillors Borst and SerVaas expressed their gratitude to the committee and volunteers for their work. David Frick, co-chair of the Indianapolis Local Organizing Committee, expressed the committee's thanks for the recognition. Councillor Hinkle asked Maribeth Smith, Executive Director of the NCAA Tournament, who people should contact that wish to volunteer. She answered that volunteers can contact her. Councillors Borst and Boyd stated that Indianapolis' hospitality is nationally recognized and makes a great impact on out-of-town visitors. Councillor Gilmer moved, seconded by Councillor SerVaas, for adoption. Proposal No. 263, 1997 was adopted by a unanimous voice vote.

Proposal No. 263, 1997 was retitled SPECIAL RESOLUTION NO. 23, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 1997

A SPECIAL RESOLUTION thanking the 2,300 volunteers of the 1997 NCAA Final Four Tournament

WHEREAS, the 1997 National Collegiate Division 1 Men's Basketball Championship Tournament in Indianapolis was a splendid event due in large part to the 2,300 local volunteer citizens who were each willing to contribute a minimum of two, four-hour shifts of their time and talent; and

WHEREAS, the Indianapolis Local Organizing Committee, co-chaired by David Frick, John Parry and Jon LeCrone worked with Executive Director Maribeth Smith and a steering committee of 40 persons to organize and mobilize the 2,300 volunteer personnel; and

WHEREAS, the volunteers represented a diverse group of retirees, moms, professionals and others from every walk of life who all made the commitment for only the satisfaction of doing a good job during the event; and

WHEREAS, committee tasks included selling NCAA merchandise, running a welcome center at the airport, a "friendly faces" program on the streets of Indianapolis, staffing a control center information hub for a full week, transportation, youth outreach programs, special events, media relations, tournament management, Fan Jam, special guests services and VIP hospitality; 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, in behalf of the people of Indianapolis, commends and publicly thanks all of the organizers and volunteers who helped make the recent NCAA Final Four Tournament so successful.

SECTION 2. The Final Four would not have been nearly as flawless, and Indianapolis would not have garnered such great national prestige and respect, if it had not been for this small army of public spirited volunteer citizens who all inured certain out-of-pocket expenses to themselves but who gladly stepped forward and did their part.

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. 245, 1997. The proposal, sponsored by Councillors Bradford, Black, Coonrod, Dowden, Franklin, Massie, McClamroch, Moores, O'Dell, Schneider, Shambaugh, Smith, Talley, and Tilford, supports Judge James Payne's handling of the Castleton Square Mall anti-fur protesters. Councillor Bradford read the proposal and moved for its adoption. Councillor Dowden seconded the motion, and Proposal No. 245, 1997 was adopted by a voice vote.

Proposal No. 245, 1997 was retitled SPECIAL RESOLUTION NO. 21, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 1997

A SPECIAL RESOLUTION supporting Judge James Payne's handling of the Castleton Square Mall anti-fur protesters.

WHEREAS, Judge James Payne was reelected last year by the voters to his third consecutive term as Marion County Superior Court Judge, coming in third highest of the fifteen judges on the ballot; and

WHEREAS, Judge Payne has served as the Marion County Juvenile Court Judge for the past twelve years where he has handled thousands of cases involving juveniles; and

WHEREAS, the Judge has been recognized and honored with several state and national awards, and has a solid reputation for helping the youth in Marion County; and

WHEREAS, of late, Judge Payne has come under criticism by a network of anti-fur activists for his punishing two probationers who were arrested again by the police for their criminal behavior during a demonstration at Castleton Square Mall; 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 expects laws and ordinances in this city to be duly enforced by the judicial system.

SECTION 2. The Council supports the First Amendment of the U.S. Constitution in its truest form; however, blatant acts of violence, hindrance and other dangers to public safety against individuals and businesses who also have rights must not be tolerated.

SECTION 3. The Council furthermore supports judges, law enforcement officers and prosecutors in their work to protect the rights of all citizens against unlawful acts by those who flout the law.

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

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

PROPOSAL NO. 169, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 169, 1997 on March 24, 1997. The proposal approves the Mayor's appointment of Moira Carlstedt as Director of the Department of Metropolitan Development. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 169, 1997 was adopted by a unanimous voice vote.

Proposal No. 169, 1997 was retitled COUNCIL RESOLUTION NO. 35, 1997, and reads as follows:

April 14, 1997

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 1997

A COUNCIL RESOLUTION approving the Mayor's appointment of Moira Carlstedt as Director of the Department of Metropolitan Development for a term ending December 31, 1997.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Moira Carlstedt to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 1997; now, therefore:

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

SECTION 1. Moira Carlstedt is approved and confirmed by the City-County Council to serve as Director of the Department of Metropolitan Development at the pleasure of the Mayor for a term ending December 31, 1997.

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

PROPOSAL NO. 172, 1997. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 172, 1997 on March 25, 1997. The proposal approves the Mayor's appointment of Michael Yoder as Director of the Department of Administration. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Moores, for adoption. Proposal No.172, 1997 was adopted by a unanimous voice vote.

Proposal No. 172, 1997 was retitled COUNCIL RESOLUTION NO. 36, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 1997

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael Yoder as Director of the Department of Administration for a term ending December 31, 1997.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael Yoder to serve as Director of the Department of Administration at his pleasure for a term ending December 31, 1997; now, therefore:

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

SECTION 1. Michael Yoder is approved and confirmed by the City-County Council to serve as Director of the Department of Administration at the pleasure of the Mayor for a term ending December 31, 1997.

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

PROPOSAL NO. 174, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 174, 1997 on March 19, 1997. The proposal approves the appointment of Brian Barton as Executive Director of the Marion County Community

Corrections Agency. Councillor Dowden introduced Mr. Barton. By an 8-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 174, 1997 was adopted by a unanimous voice vote.

Proposal No. 174, 1997 was retitled COUNCIL RESOLUTION NO. 37, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 1997

A COUNCIL RESOLUTION confirming the Marion County Community Corrections Agency's appointment of Brian Barton as Executive Director of the Marion County Community Corrections Agency.

WHEREAS, pursuant to IC 11-12-2-3.5(a), the appointment of the Executive Director of the Community Corrections Agency by the Marion County Community Corrections Advisory Board is subject to the confirmation of the City-County Council; and

WHEREAS, the Marion County Community Corrections Advisory Board has submitted to this Council the name of Brian Barton to serve as Executive Director of the Community Corrections Agency; now therefore:

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

SECTION 1. Brian Barton is approved and confirmed by the City-County Council to serve as Executive Director of the Marion County Community Corrections Agency.

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

PROPOSAL NO. 177, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 177, 1997 on April 8, 1997. The proposal approves the Mayor's appointment of John R. Hall as Deputy Mayor for Neighborhoods. Councillors Gray and Franklin congratulated Mr. Hall for the appointment. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Gray for adoption. Proposal No. 177, 1997 was adopted by a unanimous voice vote.

Proposal No. 177, 1997 was retitled COUNCIL RESOLUTION NO. 38, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 1997

A COUNCIL RESOLUTION approving the Mayor's appointment of John Hall as Deputy Mayor for Neighborhoods for a term ending December 31, 1997.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", mayoral appointments of Deputy Mayors for Neighborhoods are subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of John Hall to serve as a Deputy Mayor for Neighborhoods at his pleasure for a term ending December 31, 1997; now, therefore:

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

April 14, 1997

SECTION 1. John Hall is approved and confirmed by the City-County Council to serve as a Deputy Mayor for Neighborhoods at the pleasure of the Mayor for a term ending December 31, 1997.

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

PROPOSAL NO. 178, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 178, 1997 on April 8, 1997. The proposal approves the Mayor's appointment of Charles B. Stitt as Deputy Mayor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 178, 1997 was adopted by a unanimous voice vote.

Proposal No. 178, 1997 was retitled COUNCIL RESOLUTION NO. 39, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 1997

A COUNCIL RESOLUTION approving the Mayor's appointment of Charles B. Stitt as Deputy Mayor for a term ending December 31, 1997.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of a Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Charles B. Stitt to serve as a Deputy Mayor at his pleasure for a term ending December 31, 1997; now, therefore:

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

SECTION 1. Charles B. Stitt is approved and confirmed by the City-County Council as a Deputy Mayor at the pleasure of the Mayor for a term ending December 31, 1997.

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

PROPOSAL NO. 194, 1997. Councillor McClamroch reported that the Public Safety and Criminal Justice Committee heard Proposal No. 194, 1997 on March 19, 1997. The proposal appoints Ken Giffin to the Board of Public Safety. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Dowden, for adoption. Proposal No. 194, 1997 was adopted by a unanimous voice vote.

Proposal No. 194, 1997 was retitled COUNCIL RESOLUTION NO. 40, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 1997

A COUNCIL RESOLUTION appointing Ken Giffin to the Board of Public Safety.

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

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

Ken Giffin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1997. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 207, 1997. Introduced by Councillors Williams and Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Sign Regulations of Marion County to permit outdoor cafe signs within the Regional Center and setting forth the standards for such signs (97-AO-7)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 208, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Commercial Zoning Ordinance of Marion County to provide for a 500 foot distance separation between establishments which cater to an under 21 clientele and those establishments which sell/provide alcohol, such as bars and night clubs (97-AO-5)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 209, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Central Business District Zoning Ordinance of Marion County to provide for a 500 foot distance separation between establishments which cater to an under 21 clientele and those establishments which sell/provide alcohol, such as bars and night clubs (97-AO-6)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 210, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Comprehensive Zoning Maps of Marion County by updating base maps #38, #39, and #46 (97-AO-9)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 211, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Wellfield Protection Zoning Ordinance by replacing the special exception procedure with a development plan review process (97-AO-10)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 212, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Improvement Location Permit Ordinance by providing for additions to the definitions section of the ordinance to address underground storage tanks within the Wellfield Protection Zoning Districts (97-AO-11)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 213, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code concerning the housing board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 215, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$141,659 in the Department of Parks and Recreation's 1997 Budget (Federal and State Grant Funds) for three projects financed by federal and state grants: (1) renovations and enhancements to Krannert Pond (\$58,217), (2) erosion control along Eagle Creek Reservoir and upstream (\$46,000), and (3) improvements at Perry Park (\$37,442)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 216, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines that the lease of office space at 155 East Market Street for the Marion County Superior Court, Probation Department, Adult Services Division, is necessary"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 217, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,537 in the County Sheriff's 1997 Budget (County General Fund) to purchase security equipment financed by prior year's underspending"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 218, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$60,000 in the County Sheriff's 1997 Budget (County General Fund) to hire two deputies for security in the basement of the City-County Building funded by a contract with the Marion County Superior Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 219, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,000,000 in the Marion County Superior Court, Juvenile Division's 1997 Budget (County Construction Fund) to acquire an alternative school funded by a grant from Lilly Endowment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 220, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,000 in the Marion County Superior Court, Juvenile Division's 1997 Budget (State and Federal Grants Fund) to fund HIV prevention education activities for the Juvenile Detention Center funded by a grant from the Indiana Department of Education"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 221, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$62,403 in the Marion County Public Defender Agency's 1997 Budget (State and Federal Grants Fund) to continue the Pretrial Release and Sentencing Project funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 222, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase in the 1997 Budgets of the County Auditor, Public Defender Agency, Prosecuting Attorney, and Marion County

Superior Courts (State and Federal Grants Fund) in the total amount of \$331,912 to continue funding of the expedited court project for an additional year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 223, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer in the 1997 Budgets of the County Auditor, Prosecuting Attorney, and the Justice Agency (Drug Free Community Fund) in the total amount of \$175,397 to continue funding of drug related programs for an additional year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 224, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$103,019 in the 1997 Budget of the Department of Public Safety, Emergency Management Planning Division (Federal Grants Fund) to reimburse expenses of the Urban Search & Rescue Task Force during its deployment to the 1996 Atlanta Centennial Olympic Games fully funded by Federal Emergency Management Agency Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 225, 1997. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an increase of \$4,650,000 from the Consolidated County Fund to the United Airlines Inc. Debt Service Fund as part of the "Plan 2000" funding program"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 226, 1997. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$65,505 to Indiana University for the purpose of purchasing equipment to be used to establish the operation of a shared educational access and Department of Public Safety cable television channel in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 227, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Dandy Trail and Ocean Line Drive (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 228, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 71st Street and Hague Road (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 229, 1997. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 28th Street and Station Street (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 230, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 31st Street and New Jersey Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 231, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street and Sharon Avenue (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 232, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 14th Street and Pershing Avenue (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 233, 1997. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Riley Avenue and Walnut Street (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 234, 1997. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 9th Street and Hamilton Avenue (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 235, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 59th Street and Moller Road (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 236, 1997. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Oak Forge Drive and Sycamore Forge Lane; and at Oak Forge Circle, Maple Forge Court, and Oak Forge Lane (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 237, 1997. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 57th Street and Coburn Avenue (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 238, 1997. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Ritter Avenue and University Avenue (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 239, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Pleasant Run Parkway North Drive and Prospect Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 240, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Prospect

Street near Vandeman Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 241, 1997. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 42nd Street and Guilford Avenue (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 242, 1997. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Layman Avenue and Lowell Avenue (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 243, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 44-foot loading zone for Ruth's Chris Steak House located at 45 South Illinois Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 264, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Lloyd Stoner to the Urban Enterprise Association"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 266, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Stephen R. Nielsen to the Board of Public Works"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor O'Dell made the following motion:

Mr. President:

I move that Proposal No. 252, 1997 (Rezoning Case 96-Z-227), be scheduled for a hearing before this Council at its next regular meeting on April 28, 1997, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Consent was given to schedule this proposal for a public hearing on April 28, 1997. Proposal No. 252, 1997 is identified as follows:

96-Z-227 (AMENDED)
6202 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
MIGO DEVELOPMENT COMPANY, INC., by Thomas Michael Quinn, requests a rezoning of 148 acres, being in the D-A District, to the C-S classification to provide for the development of a mixed use development consisting of 43 acres devoted to multi-family residential development at approximately 8 units per acre, APPROXIMATELY 21 ACRES devoted to an assisted living community and approximately 84 acres devoted to regional and highway-oriented commercial development.

PROPOSAL NO. 248, 1997, PROPOSAL NOS. 249-251, 1997, and PROPOSAL NOS. 253-262, 1997. Introduced by Councillor Hinkle. Proposal No. 248, 1997 and Proposal Nos. 249-251, 1997 are proposals for Rezoning Ordinances certified by the Metropolitan Development

Commission on March 25, 1997. Proposal Nos. 253-262, 1997 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 8, 1997. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 55-68, 1997, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 55, 1997.

95-Z-225

958 through 1030 EAST WASHINGTON STREET and 14 NORTH CRUISE STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.

METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of 0.982 acre, being in the I-3-U District, to the C-3 classification to conform the zoning classification to its use in accordance with the Highland-Brookside Neighborhood Plan.

REZONING ORDINANCE NO. 56, 1997.

96-Z-214

1225 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.4 acre, being in the I-3-U District, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 57, 1997.

97-Z-24

2975 BETHEL AVENUE and 2910 EAST RAYMOND STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

NEW CROWN CEMETERY, INC., by Christopher D. Long, requests a rezoning of 7.00 acres, being in the D-A District, to the SU-10 classification to provide for cemetery use for the expansion of an adjacent cemetery.

REZONING ORDINANCE NO. 58, 1997.

97-Z-28 (Corrected)

1175 NORTH ROUTIERS AVENUE a/k/a 8902 EAST 10th STREET (rear) (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

POST ROAD CHRISTIAN CHURCH, by Mary E. Solada, requests a rezoning of 6.0 acre, being in the D-3 District, to the SU-1 classification to provide for church-related recreational uses.

REZONING ORDINANCE NO. 59, 1997.

97-Z-26

6401 WINONA DRIVE (approximate address), CITY OF LAWRENCE,

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

SCM KENSINGTON CORPORATION, by Thomas Michael Quinn, requests a rezoning of 6.32 acres, being in the D-A District, to the D-3 classification to provide for low or medium intensity single-family and two-family (corner lots only) residential development.

REZONING ORDINANCE NO. 60, 1997.

97-Z-31

1202 COUNTRY CLUB ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

CROSSMANN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 20.1 acres, being in the D-6(FF)(FW) District, to the D-5II(FF)(FW) classification to provide for residential development for single-family and/or two-family dwelling district with a typical density of 5 residential units per acre.

REZONING ORDINANCE NO. 61, 1997.

97-Z-33

1950 or 1980 WEST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

GATEWAY SOUTH, by G. Thomas Blankenship, requests a rezoning of 5.317 acres, being in the I-2-S(FF) District, to the C-S(FF) classification to provide for the construction of a 40,000 square foot building for multiple uses: sale and service of tires, tire accessories and kindred products, warehousing of same and retreading facilities.

REZONING ORDINANCE NO. 62, 1997.

97-Z-34

3702 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 14

DAVIS HOMES, LLC, by Thomas Michael Quinn, requests a rezoning of 30 acres, being in the C-4(FF) District, to the D-5II(FF) classification to provide for a single-family and/or two-family residential development.

REZONING ORDINANCE NO. 63, 1997.

97-Z-35

2101-2161 SOUTH RITTER AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

PAUL W. KINSER, by Michael D. Keele, requests a rezoning of 1.0 acre, being in the C-1 District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 64, 1997.

97-Z-36

2201 WEST 66th STREET (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 9

DAVID CROZIER, by Michael J. Kias, requests a rezoning of 5.0 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 65, 1997.

97-Z-42

19-29 NORTH GRANT AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

TUXEDO PARK BAPTIST CHURCH requests a rezoning of 0.7 acre, being in the D-5 District, to the SU-1 classification to conform the zoning to the existing religious use.

REZONING ORDINANCE NO. 66, 1997.

97-Z-44

2405 SOUTH WEST STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25

DAYTON FREIGHT LINES, INC., by Brian J. Tuohy, requests a rezoning of 7.391 acres, being in the D-5(FF) District, to the I-3-U(FF) classification to conform zoning to the existing truck terminal use.

REZONING ORDINANCE NO. 67, 1997.

97-Z-45

1302 EAST 86th STREET (rear) (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.938 acre, being in the C-1 District, to the C-4 classification to correct a map error.

REZONING ORDINANCE NO. 68, 1997.

97-CP-9Z

215-531 SOUTH GIRLS SCHOOL ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

SUNGATE CORPORATION requests a rezoning of 41.016 acres, being in the D-4 District, to the D-5 classification to provide for a single-family and/or two-family dwelling district with a typical density of 4.5 residential units per acre.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 111, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 111, 1997 on February 26, 1997. The proposal approves an increase of \$75,729 in the Marion County Superior Court's 1997 Budget (County General Fund) to pay 1996 rent that was not billed until 1997 appropriated from the fund balance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:18 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 111, 1997 was adopted on the following roll call vote; viz:

April 14, 1997

21 YEAS: Borst, Boyd, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

7 NOT VOTING: Bradford, Brents, Gilmer, Jones, Moriarty Adams, SerVaas, Williams

1 ABSENT: Black

Proposal No. 111, 1997 was retitled FISCAL ORDINANCE NO. 27, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Seventy-five Thousand Seven Hundred Twenty-nine Dollars (\$75,729) in the County General Fund for purposes of the Marion County Superior Court 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 I.02 (cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court for 1996 court 13 building rent not billed until 1997.

SECTION 2. The sum of Seventy-five Thousand Seven Hundred Twenty-nine Dollars (\$75,729) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>75,729</u>
TOTAL INCREASE	75,729

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>75,729</u>
TOTAL REDUCTION	75,729

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

PROPOSAL NO. 175, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 175, 1997 on March 19, 1997. The proposal approves an increase of \$64,300 in the Prosecuting Attorney's 1997 Budget (State and Federal Grants Fund) to purchase equipment for the Marion County Centers of Hope at Wishard and St. Vincent's Hospitals funded by a grant from the Indiana Criminal Justice Institute. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:21 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 175, 1997 was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Golc, Jones

1 ABSENT: Black

Proposal No. 175, 1997 was retitled FISCAL ORDINANCE NO. 28, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Sixty-four Thousand Three Hundred Dollars (\$64,300) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (v) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to purchase equipment for the Marion County Centers of Hope at Wishard and St. Vincent's Hospitals.

SECTION 2. The sum of Sixty-four Thousand Three Hundred Dollars (\$64,300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
4. Capital Outlay	64,300
TOTAL INCREASE	64,300

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	64,300
TOTAL REDUCTION	64,300

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

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 55, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 55, 1997 on March 4, 1997, and was postponed at the March 17, 1997 Council meeting. The proposal provides for the inclusion of the City of Indianapolis as a member of the Historic Railroad Multi-jurisdictional Port Authority. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as

amended. Councillor Curry moved, seconded by Councillor Bradford, for adoption. Proposal No. 55, 1997, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 55, 1997, as amended, was retitled GENERAL ORDINANCE NO. 43, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 1997

A GENERAL ORDINANCE providing for the inclusion of the city of Indianapolis as a member of the historic railroad multi-jurisdictional port authority.

WHEREAS, the City of Noblesville, the Town of Fishers, and the City of Indianapolis have agreed to the inclusion of the City of Indianapolis in the Historic Railroad Multi-Jurisdictional Port Authority governing the railroad line commonly known as the "Old Nickel Plate" line, together with all improvements and appurtenances located thereon and subject to leases and rights of tenants thereunder; and

WHEREAS, Indiana Code 8-10-5-5.5 provides for the expansion of a multi-jurisdictional port authority to include any other municipality that desires to join the expanded authority; and

WHEREAS, the legislative body of each municipality must adopt an ordinance which, in substantially the same form, sets forth the powers, purposes and authority to be exercised by the multi-jurisdictional port authority, together with the appropriate terms and conditions for the governance of the authority and such other rules, regulations, conditions or limitations which are necessary and appropriate for the conduct of the affairs of the authority; and

WHEREAS, the City of Noblesville and the Town of Fishers have previously adopted such ordinances and created such multi-jurisdictional port authority in accordance with the Act and do now desire to amend their ordinances so as to provide for the inclusion of the City of Indianapolis as a member of such multi-jurisdictional port authority upon the adoption by the City of Indianapolis of an ordinance in substantially the same form; and

WHEREAS, the City of Indianapolis desires to adopt such an ordinance and join the Historic Railroad Multi-Jurisdictional Port Authority; now, therefore:

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 is hereby amended by adding a new Chapter 115 to read as follows:

CHAPTER 115. MULTI-JURISDICTIONAL AUTHORITIES
ARTICLE 1. HISTORIC RAILROAD MULTI-JURISDICTIONAL PORT AUTHORITY

Sec. 115-101. Expansion. Upon the mutual adoption by the Town of Fishers and the City of Noblesville of their amendatory ordinances, and upon the adoption by the City of Indianapolis of this ordinance which is in substantially the same form, the Historic Railroad Multi-Jurisdictional Port Authority is hereby expanded to include the City of Indianapolis, subject to all of the powers and authority granted and conferred by the Indiana Code.

In addition to the expansion of the Historic Railroad Multi-Jurisdictional Port Authority to include the City of Indianapolis, the Historic Railroad Multi-Jurisdictional Port Authority may be further expanded to include other municipalities in the following manner:

(a) The municipality seeking to join the multi-jurisdictional port authority shall make application in a form prescribed by the Board of Directors seeking admission thereof;

(b) The Board of Directors and the applicant shall define the appropriate consideration for such admission;

(c) The Board of Directors must vote unanimously in favor of accepting the application; and

(d) Upon unanimous acceptance of the application by the Board of Directors, the applicant must adopt an ordinance which is in substantially the same form as this ordinance subject only to the following amendments which shall be incorporated by amendment to this ordinance by the legislative bodies of the municipalities participating in the multi-jurisdictional port authority:

(i) That the membership to the Board of Directors shall be expanded to include at least One (1) but not more than Two (2) additional members for each municipality added hereafter, such members to serve for terms of Three (3) years; and

(ii) that the Executive Officer of the municipality joining the Port Authority shall appoint said members.

Sec. 115-102. Term. The term of existence of the Historic Railroad Multi-Jurisdictional Port Authority shall be in perpetuity.

Sec. 115-103. Powers. The Historic Railroad Multi-Jurisdictional Port Authority shall have all the powers permitted under the laws of the State of Indiana, as from time to time amended, limited only by the provisions of this ordinance.

Sec. 115-104. Purpose. The purpose of the Historic Railroad Multi-Jurisdictional Port Authority shall be to protect and preserve the existence of certain real property, commonly known as the "Old Nickel Plate" railroad line, as a single parcel of real estate in perpetuity for such uses as may benefit the citizens of Noblesville, Fishers and Indianapolis, including, but not necessarily limited to, recreational, transportation and tourism purposes.

Sec. 115-105. Organization.

(a) *Members.* The business and affairs of the Historic Railroad Multi-Jurisdictional Port Authority shall be conducted by a Board of Directors consisting of Six (6) members, Two (2) of whom shall be appointed by the Town Council of Fishers, so long as it is organized as a Town, and if ever changed to a City, by the Mayor of said City thereafter: Two (2) of whom shall be appointed by the Mayor of Noblesville; and ~~Two (2)~~ One (1) of whom shall be appointed by the Mayor of Indianapolis and One (1) by the Indianapolis City-County Council.

(b) *Terms.* Members of the Board of Directors shall be appointed for a term of Three (3) years. The appointing authority shall deliver a certificate of appointment to such director designating the term of his or her office.

(c) *Term Limits.* There shall be no limit on the number of successive terms a director may serve.

(d) *Removal of Directors.* A director may be removed at any time without cause by the appointing authority of such director. A replacement appointment shall serve the unexpired term of the director so removed.

(e) *Oath of Office.* Each director upon appointment shall take an oath of office in the appropriate form.

(f) *Officers.* From the membership of the Board shall be elected the following offices for a term of One (1) year:

- President
- Vice-President
- Secretary
- Treasurer

Elections will occur January 1 of each year and officers may serve successive terms if elected.

(g) *By-Laws.* The Board of Directors shall adopt by-laws for the conduct of the affairs of the Historic Railroad Multi-Jurisdictional Port Authority as needed and not inconsistent with the provisions of this ordinance or State law.

Sec. 115-106. Fiscal Affairs. All funds of the Historic Railroad Multi-Jurisdictional Port Authority shall be deposited in a special account known as the Historic Railroad Multi-Jurisdictional Port Authority Fund which shall be maintained under the supervision of the Treasurer and subject to annual audit. Monies received shall be deposited in accordance with sound fiscal practice; and shall be paid out only upon claims approved by the Board.

No claims shall be approved for any expenditure not consistent with the purposes set forth herein. No contract or undertaking shall be approved with any third party which shall cause the Historic Railroad Multi-Jurisdictional Port Authority to become liable for the expenditure of funds which is not consistent with the purposes set forth herein.

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

SECTION 3. Should any provision (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.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 5, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 5, 1997 on January 7, March 4, and again on April 8, 1997. The proposal amends the Rules of the Council with respect to rezoning procedures. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider asked if a constituent can still be allowed time at a Council meeting if the rezoning case is not called out by a Councillor for public hearing. Councillor Curry replied in the negative and stated that a constituent is allowed time only if the public hearing is requested. In the event a rezoning case is called out and the remonstrators and petitioner reach an agreement before the public hearing, if a constituent is not satisfied with the agreement, they will be allowed two minutes at the regularly scheduled public hearing to voice their unresolved concerns.

Councillor Curry moved, seconded by Councillor Schneider, for adoption. Proposal No. 5, 1997, as amended, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams*

0 NAYS:

4 NOT VOTING: *Coonrod, Dowden, Jones, Smith*

1 ABSENT: *Black*

Proposal No. 5, 1997, as amended, was retitled GENERAL ORDINANCE NO. 44, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 1997

A GENERAL ORDINANCE amending the Rules of the Council with respect to rezoning procedures.

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

SECTION 1. Sec. 151-79 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 151-79. Special procedures for rezoning ordinances.

(a) Application. Proposals for changing the zone maps incorporated by reference into the Marion County zoning ordinance may be amended or rejected only after the council holds a public hearing pursuant to IC 36-7-4-608. Whenever pursuant to IC 36-7-4-608 the council schedules such a public hearing, the rules set forth in this section shall apply.

(b) Prehearing procedures. After such public hearing is scheduled by vote of the council, a preliminary investigation shall proceed as follows:

- (1) The general counsel shall notify the administrator of the division of development services within two (2) days after a rezoning hearing is scheduled, and the administrator shall distribute in writing to all council members and the general counsel the staff comments and any other information deemed by him relevant to the matter to be heard. Such materials shall be mailed or delivered at least seven (7) days prior to the hearing date.
- (2) Any interested party may distribute any relevant written materials to council members, provided all such information is distributed to all council members. Such materials will be distributed to council members by the clerk's staff if thirty-five (35) copies are delivered at the staff conference provided in paragraph (3) of this subsection.
- (3) The general counsel shall conduct a preliminary staff conference on all rezoning petitions on the Wednesday immediately preceding the scheduled hearing beginning at 2:00 p.m. in the clerk's offices, unless the petitioners and remonstrators agree to a different time. The petitioners and any remonstrators each shall be represented at such conference by not more than two (2) persons for each side, one (1) of whom may be their attorney.
- (4) The purpose of the staff conference shall be to ensure agreement as to the procedures for the public hearing, to promote agreement on order of presentation, to list witnesses and exhibits, to narrow issues to be heard, and to consider compromises, which can be implemented by modifications of petitioners' commitments.
- (5) If the petitioners and remonstrators compromise their differences and advise the General Counsel of such settlement prior to release of the preliminary agenda for the meeting at which such public hearing has been scheduled, the preliminary agenda shall indicate that a proposed settlement has been reached.

(c) Action on prehearing settlements. If the petitioners and remonstrators negotiate a compromise which can be implemented by petitioners' modification of commitments and such settlement is acceptable to the councillor who requested the public hearing, the petitioners shall file executed copies of the revised or additional commitments with the Metropolitan Development Commission and the Clerk of the Council. If such commitments are filed prior to the commencement of the public hearing, it shall be in order to move for a vote on the Rezoning Proposal subject to the modified commitments without full public hearing. If such motion is made, any person still desiring to be heard shall have two minutes each to explain why a full public hearing should still be held by the Council. If that motion fails, the Council shall proceed with the public hearing under this section, but if that motion is carried,

the vote shall immediately be taken on the Rezoning Proposal subject to the modifications of commitments filed by petitioners.

(ed) Order of public hearings:

- (1) Councillor requesting hearing (two (2) minutes);
- (2) Petitioners' presentation (twenty (20) minutes or less);
- (3) Remonstrators' presentation (twenty (20) minutes or less);
- (4) Public comment from any citizen who has an interest distinct from that represented by petitioners or remonstrators (two (2) minutes or less each);
- (5) Petitioners to close (remainder of twenty (20) minutes if any);
- (6) Remonstrators to close (remainder of twenty (20) minutes if any);
- (7) Council questioning and debate:
 - a. Each council member has the floor only once for not more than two (2) minutes;
 - b. All questions by council members and the responses shall be counted within the time allocated in subparagraph a.;
- (8) Councillors requesting hearing have five (5) minutes to close debate;
- (9) Hearing ends; petition is decided.

(de) Time Computation. The petitioners and remonstrators each shall have twenty (20) minutes total per side for presentation and closing, which may be used at their discretion. All testimony, except public comment and questions by council members and the response thereto, shall be treated as part of either the petitioners' or remonstrators' time whether or not called by a party.

(ef) Additional time requests. If either party is of the opinion that the issues are sufficiently complex to justify additional time, such request shall be made at the staff conference and decided by the council prior to the hearing. No additional time shall be allowed after the hearing begins except by action suspending these rules.

(fg) Council vote. After the public hearing on a proposal for a rezoning ordinance, by a vote of eighteen (18) of the members of the city-county council, the proposal is adopted or rejected as the case may be. Any vote of less than eighteen (18) shall be indecisive; and the proposal shall take effect as adopted pursuant to IC 36-7-4-608(c)(3) on the final action date (as extended).

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

PROPOSAL NO. 129, 1997. Councillor Borst reported that the Economic Development Committee heard Proposal No. 129, 1997 on February 20, March 6, and again on March 20, 1997. The proposal authorizes economic development revenue bonds in an amount not to exceed \$5,000,000 to enable Summit Place West, Inc. to proceed with the construction and equipping of a 60-unit assisted living facility to be located in Wayne Township at 6418 Rockville Road (District 18). By a 5-0-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that he will abstain to avoid an appearance of a conflict of interest.

Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 129, 1997 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradford, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford*

0 NAYS:

5 NOT VOTING: *Cockrum, Coonrod, Gray, O'Dell, Williams*

1 ABSENT: *Black*

Proposal No. 129, 1997 was retitled SPECIAL RESOLUTION NO. 24, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 1997

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, Summit Place West, Inc., an Indiana corporation (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consisting of the development and construction of a 60-unit assisted living facility to be located at 6418 Rockville Road, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (twenty-eight (28) jobs) and the creation of business opportunities to be achieved by the development and construction of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the development and construction 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 creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the 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 Five Million Dollars (\$5,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the development and construction 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 development and construction 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 development and construction 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

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resolution expires August 31, 1997, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and installation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

PROPOSAL NO. 139, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 139, 1997 on March 24, 1997. The proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps #36, #37, #43, and #44 (97-AO-8). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that he had discovered a discrepancy in one of the maps. Ed Mitro, Senior Planner for the Department of Metropolitan Development (DMD), stated that he had filed for correction on these discrepancies last week.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 139, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 139, 1997 was retitled GENERAL ORDINANCE NO. 45, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 1997

METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 97-AO-8

AN ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, Part 21, as amended, the Zoning Ordinance for Marion County, Indiana which Ordinance includes the Comprehensive Zoning Maps of Marion County, Indiana, as amended, and fixing a time when the same shall take effect.

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

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

SECTION 1. The COMPREHENSIVE ZONING MAPS of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended to modify specifically base maps #36, #37, #43 and #44 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land with the area noted on the four sections of each of the following base maps: #36, #37, #43, and #44, are hereby classified, divided and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby update said Comprehensive Zoning Maps to include various rezonings by individual description or map amendments adopted subsequent to Metropolitan Development Commission docket number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to December 11, 1995, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said MAPS in a subsequent map updating amendment hereto).

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

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

SECTION 5. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal Nos. 165, 166, and 167, 1997 on March 24, 1997. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 165, 1997. The proposal authorizes technical amendments to the Dwelling Districts Zoning Ordinance (97-AO-2). PROPOSAL NO. 166, 1997. The proposal authorizes amendments to the Dwelling Districts Zoning Ordinance regarding the established setback averaging, limited expansion of detached accessory buildings, limited height expansion for primary buildings, and limited fence height exceptions (97-AO-3). PROPOSAL NO. 167, 1997.

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The proposal authorizes amendments to the Improvement Location Permit Ordinance concerning children's swimming pools, structural barriers, and antennae (97-AO-4). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Schneider asked about the limitations on side yard fencing. Mr. Mitro stated that this amendment was made primarily due to variance applications in the Butler-Tarkington area, and that it will only cover the old City.

Councillor Massie stated that he is against Proposal No. 165, 1997 because it is foolish not to require a fence around a pool. He added that a pool cover is not sufficient protection. Councillor Hinkle stated that it is a matter of complying with State regulations, and that if the mandate for a fence is left in the local ordinance, the State statute would render the local ordinance ineffective.

Councillor Coughenour asked if the local legislative body is not allowed to be more restrictive in their regulations. Robert Elrod, General Counsel, stated that the local body could be more restrictive, but that without the State statute compliance with local law, the local ordinance could not be enforced.

Councillor Franklin stated that a pool cover is not a sufficient safety mechanism to deter young children. Mr. Elrod stated that the State has decided that it is, and that State law supercedes local regulations.

Councillor Hinkle asked for consent to vote on Proposal No. 165, 1997 separately. Consent was given.

Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No. 165, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 165, 1997 was retitled GENERAL ORDINANCE NO. 46, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 1997

METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 97-AO-2

THE DWELLING DISTRICTS ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Revised Code Of The Consolidated City and County, Chapter 731 (The Dwelling Districts Zoning Ordinance of Marion County, Indiana), as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers

the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

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

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731, (adopted under Metropolitan Development Commission docket Numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8 and 96-AO-4), as amended, be amended as follows:

A. That Section 2.07, B, 2, a. be amended by deleting the stricken language as follows:

2. *Minimum lot width and street frontage.*

a. Minimum lot width at the required setback line:

- Single-family Dwelling : 50 feet
- Two-family Dwelling: 90 feet ~~(on each street)~~ (corner lots shall have a minimum lot width at the required setback line of 90 feet on each street)

B. That Section 2.08, B, 2, a. be amended by deleting the stricken language as follows:

2. *Minimum lot width and street frontage.*

a. Minimum lot width at the required setback line:

- Single-family Dwelling : 40 feet
- Two-family Dwelling: 80 feet ~~(on each street)~~ (corner lots shall have a minimum lot width at the required setback line of 80 feet on each street)

C. That Section 2.18 be amended by deleting the stricken language and inserting the underscored language as follows:

SECTION 2.18 Temporary uses.

A. *Permitted temporary uses.* The following Temporary Uses shall be permitted in all Dwelling Districts, ~~under a Temporary Improvement Location Permit issued by the Administrator~~ subject to the Temporary Use Requirements of Section 2.18, B.

1. Temporary offices; 2. model homes; or 3. equipment storage, each incidental and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district and located on the same lot or project.

B. *Temporary use requirements.* Temporary Uses shall be subject to the following requirements in addition to all other regulations of the applicable Dwelling District.

1. For temporary offices or model homes only; adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices shall be permitted.
3. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. The lot shall be put in clean condition and devoid of temporary use remnants upon termination of the temporary period.

5. No temporary Improvement Location Permit shall be issued for ~~Temporary Use~~ a model home until a site, ~~development and~~ or landscape plan, if required, has been approved by the Administrator. An Improvement Location Permit is not required for temporary offices or equipment storage, per the Improvement Location Permit Ordinance, 68-AO-11, as amended (Code of Indianapolis and Marion County, Appendix D, Part 17).
6. A Temporary Improvement Location Permit for a ~~Temporary Use~~ model home shall be valid for a maximum of 18 months. An extension of time, not to exceed 180 days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the Temporary Improvement Location Permit.
7. No later than 30 days after the termination date of the Temporary Improvement Location Permit, the site must be returned to as nearly as reasonably possible to its original condition prior to the issuance of the Temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements which are to remain.

D. That Section 2.19, B, 3, be amended by deleting the stricken language and inserting the underscored language as follows:

- b. The pool or tub area shall be enclosed by either: 1. a fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate; or, 2. a safety pool cover, as defined by, and meeting the specifications of, IAC 20-4-27(c).

If a structural barrier is utilized, such structural barrier shall be a chain-link, ornamental or solid fence or wall, and:

- (1) if erected on grade, the fence shall be not less than five (5) feet in height: or,
- (2) if erected on the deck of an above ground pool or hot tub, the fence or structural barrier on the deck shall be not less than thirty-six (36) inches in height.

E. That Section 2.19, B, 8, be amended by deleting the stricken language and inserting the underscored language as follows:

8. ~~Additional requirements for satellite dish antennas.~~

- a. Statement of Purpose: The regulations of this subsection are intended to allow antennas to be located in all Dwelling Districts in a manner that:

- (1) does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
- (2) does not unreasonably increase the cost of installation, maintenance or use; or,
- (3) preclude reception of an acceptable quality signal.

- b. Objectives: The regulations of this subsection are intended to accomplish the following objectives:

- (1) Health and safety - The regulations protect the public and safety to the degree that the improper installation of antennas can endanger the lives and property of persons on the property or surrounding property if they collapse or are felled by high winds or ice.
- (2) General Welfare/Aesthetic - The regulations limit visual blight by sensitive placement of antennas, as the injudicious location of such antennas, including guy wires, poles, masts, cables and other appurtenant devices can create visual blight offensive to those who reside, work and travel in the city and contrary to the City's Comprehensive Plan.

Further, these regulations are intended to meet these objectives without unnecessarily burdening the Federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.

- c. Requirements: The following additional requirements of this subsection shall apply to any satellite dish antennas which is greater than one meter/39.37 inches in diameter or diagonal measurement.:
- a. ~~In any Dwelling District, satellite dish antennas up to 12 feet in diameter shall be permitted to be installed subject to the following criteria:~~
- ~~(1) All installations shall be neutral in color.~~
 - ~~(2) All installations shall be performed by an "antenna installer" licensed by the Indiana State Board of Television and Radio Service Examiners.~~
- b. ~~In any Dwelling District, ground-mounted satellite dish antennas shall be permitted to be installed subject to the following criteria:~~
- ~~(1) All installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.~~
 - ~~(2) The maximum height for a ground-mounted satellite dish antenna shall not exceed the maximum height of an accessory structure permitted by that district (see Section 2.19, B, 1).~~
 - ~~(3) In any Dwelling District, roof-mounted satellite dish antennas may be permitted subject to the following criteria: (1) Demonstration by the applicant that compliance with Section 2.19, B, 8, b(1) and (2) C, a. and b. of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.~~
 - ~~(4) (2) The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.~~
 - ~~(5) (3) All applications for Improvement Location Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.~~
 - ~~(6) (4) All roof-mounted installations shall be contained within the areas of the roof.~~
- d. Limitation on Enforcement. No requirement contained in this subsection, Section 2.19, B, 8, shall be enforced to the extent it:
- (1) unreasonably delays or prevents installation, maintenance or use of an antenna; or,
 - (2) unreasonably increases the cost of installation, maintenance, or use of an antenna; or,
 - (3) precludes reception of an acceptable quality signal by an antenna.

F. That Section 2.20, B, 12, be amended by deleting the stricken language and inserting the underscored language as follows:

12. No Display of goods or external evidence of the home occupation shall be permitted other than an identification window or wall sign as permitted by the Sign Regulations of Marion County, Indiana, Ordinance 71-AO-4, Section 14.04-4 (2) as amended (Section 3.20, On-Premise Signs: Dwelling Districts).

G. That Section 2.25, B be amended by deleting the stricken language and inserting the underscored language as follows:

~~155. Satellite dish antenna A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.~~

9. Antenna. A device that is designed to receive:

- a. direct broadcast satellite service, including direct-to-home satellite services; or,
- b. video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or,
- c. television broadcast signals.

H. That Section 2.25, B be amended by inserting the following two new definitions, noted by the underscored language, as follows:

Fence. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

Structural barrier. A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between, properties.

I. That Section 2.25, B be amended by renumbering all definitions in the Section, beginning with number 9, utilizing the numeral 10 as the first numeral in the renumbered sequence. This renumbering will include the two new definitions noted in H. of this ordinance.

J. That Section 2.25, B be amended by deleting the stricken language and inserting the underscored language as follows:

SECTION 2. If any section of this ordinance shall be invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption of Proposal Nos. 166 and 167, 1997. Proposal Nos. 166 and 167, 1997 were adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Gray, Jones

1 ABSENT: Black

Proposal No. 166, 1997 was retitled GENERAL ORDINANCE NO. 47, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 1997

METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 97-AO-3

THE DWELLING DISTRICTS ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Revised Code of the Consolidated City and County, Chapter 731 (The Dwelling Districts Zoning Ordinance of Marion County, Indiana), as amended, and fixing a time when the same shall take effect.

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

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

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731, (adopted under Metropolitan Development Commission docket Numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8 and 96-AO-4), as amended, be amended as follows:

A. That Section 2.00, A, 3, d, be amended by deleting the stricken language and inserting the underscored language as follows:

d. ~~Side and rear yard~~ Yard, Setback Exceptions:

(1) Established front setback exception/averaging. In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Dwelling District) for more than twenty-five percent (25%) of the linear frontage of the block (or a distance of two hundred [200] linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure shall be the average of such established front yards if such dimension is less than the minimum required minimum front setback established by this ordinance.

(2) Expansion along an existing, legally established nonconforming front setback line. The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback which is less than the required setback of the District, shall be modified to permit expansion of such building along its existing established front setback, provided that:

i. only a one time expansion along the legally established nonconforming front setback line shall be permitted; and,

ii. the linear front footage of expansion does not exceed fifty percent (50%) of the linear front footage of the original building, and all other requirements of this Ordinance are maintained for the expansion. Provided

For both (1) and (2) above, however, in no case shall a building or structure:

• encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana;

- encroach upon any existing right-of-way; or
- encroach into a clear sight triangular areas, as required in Section 2.21, C. 1.

(3) Side and Rear Yard Setback Exceptions. (4) The minimum side and rear yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 (for a lot containing a single or a two-family dwelling unit) Zoning Districts shall be subject to the following exceptions:

i. Primary Buildings:

• The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear setback line of the primary building provided that the linear footage of such enlargement or extension: a. does not exceed fifty percent (50%) of the linear footage of the primary building along that side setback line, or b. be a one time only expansion along the legally established setback line.

ii. Detached accessory buildings.

- Legally established, detached, accessory garages may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards.
- An accessory building may be enlarged or extended along a legally established nonconforming side or rear yard provided that the linear footage of such enlargement or extension: a. does not exceed fifty percent (50%) of the linear footage of the accessory building along that side or rear setback line; b. be a one time only expansion along the legally established setback line; and, c. such enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the enlargement or extension is occurring.

B. That Section 2.00, A, 7, c, be amended by inserting the underscored language as follows:

6. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Administrator shall: 1. inform the petitioner in writing of the determination; and, 2. send a copy of that letter to the applicable registered neighborhood organizations. The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the proposed plat approved by the Administrator. The legal notice for the public hearing of the Plat Committee regarding such a preliminary plat shall indicate clearly that the request is for a cluster subdivision.

C. That Section 2.01, B, 6, be amended by inserting the underscored language as follows:

6. Maximum height

- a. Primary building (single-family dwelling): 35 feet; or, Forty (45) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See Section 2.13, Diagram K).
- b. Accessory buildings to a single-family dwelling: 20 feet
- c. Accessory buildings essential to an agricultural enterprise: unlimited

These provisions may be subject to the exceptions of Section 2.01, C, D-A District Exceptions.

D. That Section 2.02, B, 5, be amended by inserting the underscored language as follows:

5. *Maximum height*

- a. Primary building: 35 feet; or, Forty (45) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See Section 2.13, Diagram K).
- b. Accessory buildings: 20 feet

E. That Section 2.03, B, 5, be amended by inserting the underscored language as follows:

5. *Maximum height.*

- a. Primary building: 35 feet; or, Forty (45) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See Section 2.13, Diagram K).
- b. Accessory buildings: 20 feet

F. That Section 2.19, B, 2, be amended by deleting the stricken language and inserting the underscored language as follows:

- c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings (including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in front, side and rear yards provided that:

(1) The height of any structural barrier shall not exceed six (6) feet.

Provided, however:

- i. Any structural barrier in the required front yard shall not exceed forty-two (42) inches in height. This provision (i), shall not apply:

(a) to corner lots in Development Area One, as noted in the Thoroughfare Plan for Marion County, Indiana and reproduced in Section 2.25 as Diagram J.

For corner lots in Development Area One:

- fences up to six (6) feet in height may be permitted in any front yard which: 1. does not serve as the primary entrance (that which architecturally is designed as the main or "front door") for the dwelling; and, 2. does not face the primary entrance of a dwelling unit across the street.
- fences exceeding forty-two (42) inches in height shall not encroach beyond the building line established on the other street frontage.

(b) to any D-6, D-6II, D-7, D-8 (multifamily only), D-9, and D-10 Districts where the linear street frontage of the project exceeds five hundred (500) feet.

For multifamily projects in the above Districts:

- fences or structural barriers up to six (6) feet in height may be permitted in any front yard which exceeds five hundred (500) linear feet of frontage. For sites which have frontage on two streets, a fence or structural barrier may be up to six (6) feet in height only if the applicable street frontage exceeds five hundred (500) linear feet.
- ii. The measurement of fence height shall be taken from the ground level to the top of the fence, exclusive of fence posts (See Section 2.25, Diagram G).
 - iii. Grade mounding, inconsistent with the ground level of the land surrounding the fence, which increases the elevation of the fence, will shall be included in the measurement of the fence height (See Section 2.25, Diagram H).
 - iv. Fence posts may exceed the maximum height by one (1) foot (See Section 2.25, Diagrams G, H, or I).
 - v. The fence itself may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence at that portion of the lot, and shall only exceed the maximum height at that location. In no case, however, shall the fence height exceed eight feet (See Section 2.25, Diagram I).
 - vi. Barbed wire, razor wire and similar type wires shall not be permitted in any residential district as a part of a structural barrier except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.
 - vii. No structural barrier shall be electrified in any manner which could provide for an electrical shock if touched except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.
- G. That Section 2.19, B, 6, be amended by deleting the stricken language and inserting the underscored language as follows:
- 6. *Additional requirements for game courts.* The following additional requirements shall apply to game courts:
 - a. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side, and rear yard setbacks of the Dwelling District, nor shall any part of a game court project beyond the front building line as established by the existing primary building. Basketball goals, however, may be located along a driveway.
 - b. Game courts shall not be considered as building area, as defined in Section 2.25.
 - c. No game court lighting shall produce glare creating a hazard or nuisance perceptible from any point beyond the lot line. Provided, however, no game court in a D-A, D-S, D-1, D-2, D-3, D-4, D-5, or D-511 Dwelling District shall be lighted.
 - d. Fences built as a component of a regulation game court shall not be subject to the fence height limitations of Section 2.19, B, 2, c.. Fences which are components of game courts shall not exceed ten (10) feet in height.
- H. That Section 2.21, A, 4, b and c shall be deleted.
- 1. That Section 2.25, B be amended to add Diagram J and Diagram K as follows:

SECTION 2. If any section of this ordinance shall be invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

Proposal No. 167, 1997 was retitled GENERAL ORDINANCE NO. 48, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 1997

METROPOLITAN DEVELOPMENT COMMISSION

Docket No. 97-AO-4

A GENERAL ORDINANCE amending the Improvement Location Permit Ordinance of Marion County, Appendix D, Part 17 of the Code of Indianapolis and Marion County, as amended.

WHEREAS, IC 36-7-4, as amended establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative the zoning and districting of land to the Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and,

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

WHEREAS, said IC 36-7-4, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; and the public health, safety, comfort, morals, convenience and general public welfare may be promoted;

WHEREAS, said IC 36-7-4, as amended, grants certain Improvement Location Permit powers to said Commission; and

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; and

WHEREAS, the Regulatory Study Commission, after careful analysis, has determined that the provisions requiring Improvement Location Permits for certain specified types of development are overly burdensome, unnecessary, and repetitive; and,

WHEREAS, the Regulatory Study Commission has recommended to the Metropolitan Development Commission and the City-County Council that certain specified types of development be exempt from the requirements of obtaining an Improvement Location Permit; and

WHEREAS, the regulations and provisions of the applicable zoning ordinances will continue to provide the protection desired by surrounding property owners from inappropriate development; now, therefore:

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

SECTION 1. The Improvement Location Permit Ordinance, Appendix D, Part 17, of the Municipal Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-11, 71-AO-1, 75-AO-2, 88-AO-1, and 93-AO-3 and 95-AO-2, is further amended as follows:

A. That Section 1.00, A, 2, b be amended by deleting the stricken language and inserting the underscored language as follows:

2. a. Obtaining an Improvement Location Permit

No structure shall be located, erected, altered or repaired upon any land within Marion County, Indiana, until an Improvement Location Permit has been applied for by the owner

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(or authorized agent) thereof and issued by the Metropolitan Development Commission of Marion County, Indiana, unless specifically exempted in Section 1.00, A, 2, b below.

b. Specific Exemptions

An Improvement Location Permit shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements. All provisions and regulations of the zoning ordinance applicable in the particular situation shall continue to apply to exempted structures and improvements:

- (1) Air conditioning units
- (2) Antennae
- ~~(2)~~ (3) Children's' play equipment (residential), including above-ground pools which are eighteen (18) inches or less deep and fifteen (15) feet or less in width at its widest point.
- ~~(3)~~ (4) Decks or patios (under eighteen [18] inches in height)
- ~~(4)~~ (5) Enclosure, within the existing building foot print, of portions of the building which already have a foundation and a roof (residential)
- ~~(5)~~ (6) Fences or structural barriers
- ~~(6)~~ (7) Landscape strips
- (7) (8) Mini barns or sheds (under 120 square feet and not on a permanent foundation)
- ~~(8)~~ (9) Movable, temporary use structures or buildings utilized during construction projects
- ~~(9)~~ (10) Recycling containers
- ~~(10)~~ (11) Repairs or alterations which do not change the height, size or lateral bulk of the structure
- ~~(11)~~ (12) Residential awnings
- ~~(12)~~ (13) Roof line changes (residential)
- ~~(13)~~ (14) Roof line changes which do not add usable floor space (commercial)
- (15) Sidewalks on private property out of the public right-of-way
- (16) Trash containers/dumpsters

B. That Section 2.00, B be amended by inserting the following new definitions, as noted by the underscored language as follows:

Antenna. A device that is designed to receive:

- a. direct broadcast satellite service, including direct-to-home satellite services; or,
- b. video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or,
- c. television broadcast signals.

Fence. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

Structural barrier. A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between, properties.

C. That Section 2.00, B be amended by renumbering all definitions in the Section. This renumbering will include the two new definitions noted in B. of this ordinance.

SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

PROPOSAL NO. 173, 1997. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 173, 1997 on March 25, 1997. The proposal authorizes the

County to lease three tracts of land on the site of the former Marion County Healthcare Center for farming purposes. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Schneider moved, seconded by Councillor Coonrod, for adoption. Proposal No. 173, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 173, 1997 was retitled SPECIAL RESOLUTION NO. 25, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 1997

A PROPOSAL FOR A SPECIAL RESOLUTION approving the leasing of certain property by the Board of County Commissioners.

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

SECTION 1. The City-County Council hereby approves, pursuant to IC 36-1-11-3, the lease of property by the Board of County Commissioners and the Office of the Mayor.

SECTION 2. The property consists of approximately 132 acres in three tracts on the property of the former Marion County Health Care Center and will be used for agricultural purposes.

SECTION 3. The property has been appraised as required by IC 36-1-11-4. The appraised lease value is \$113.00 to \$140.00 per acre.

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

PROPOSAL NO. 176, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 176, 1997 on March 19, 1997. The proposal approves a transfer of \$233,456 in the Public Defender Agency 1997 Budget (County General Fund) to cover new positions, buyout expenses, sentencing grant match, salary adjustments, and paralegal positions. By an 8-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 176, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 176, 1997 was retitled FISCAL ORDINANCE NO. 29, 1997, and reads as follows:

April 14, 1997

CITY-COUNTY FISCAL ORDINANCE NO. 29, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Two Hundred Thirty-three Thousand Four Hundred Fifty-six Dollars (\$233,456) in the County General Fund for purposes of the Marion County Public Defender Agency and County Auditor and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02. (b,u) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency and County Auditor to cover new positions, buyout expenses, sentencing grant match, salary adjustments, and paralegal positions

SECTION 2. The sum of Two Hundred Thirty-three Thousand Four Hundred Fifty-six Dollars (\$233,456) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - Fringes	36,385
<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	197,071
TOTAL INCREASE	233,456

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

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	233,456
TOTAL DECREASE	233,456

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

PROPOSAL NO. 179, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 179, 1997 on April 8, 1997. The proposal amends the Revised Code concerning the cable communications agency. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Gilmer, for adoption. Proposal No. 179, 1997, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 179, 1997, as amended, was retitled GENERAL ORDINANCE NO. 49, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 1997

A GENERAL ORDINANCE amending Sec. 285-102 and Sec. 285-121 of the Revised Code concerning the cable communications agency.

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

SECTION 1. Section 285-102 of Article I of Chapter 285 of the Revised Code of the Consolidated City and County be and is hereby amended by deleting the stricken-through text and inserting the underlined text as follows:

Sec. 285-102. ~~Executive Secretary~~ Cable Agency Director and Staff.

The cable communications agency shall be administered by ~~an executive secretary~~ the cable agency director appointed by the cable franchise board and approved by the council committee responsible for cable franchises. The ~~executive secretary~~ cable agency director shall appoint the agency staff subject to confirmation by the board and council committee.

SECTION 2. Section 285-121 of Article I of Chapter 285 of the Revised Code of the Consolidated City and County be and is hereby amended by deleting the stricken-through text and inserting the underlined text as follows:

Sec. 285-121. Council oversight.

(a) Whenever the ~~executive secretary~~ cable agency director or the cable franchise board determines that an issue raised with respect to cable communications is beyond the authority of the agency or board or raises questions of the public policy, such issues may be referred to ~~a committee of the council~~.

(b) ~~The following issues may be referred to the committee on rules and public policy:~~

- (1) ~~Community or general public concerns with respect to cable communication services within the scope of existing franchises or regulatory ordinances;~~
- (2) ~~Subscriber complaints which the cable communications agency is unable to resolve through conciliation or enforcement of existing franchises;~~
- (3) ~~Disputes as to the use of any access channel;~~
- (4) ~~Requests by councillors for general inquiries into constituent concerns about governmental oversight or activity respecting cable communications.~~

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

PROPOSAL NO. 180, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 180, 1997 on April 8, 1997. The proposal approves a public purpose grant in the amount of \$47,726 to Indiana University for the purpose of purchasing playback and field production equipment to be used in the operation of and programming production for the educational access cable television channels in the County. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 180, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 180, 1997 was retitled SPECIAL RESOLUTION NO. 26, 1997, and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 26, 1997

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$47,726.00 for the purpose of purchasing playback and field production equipment to be used in the operation of and programming production for the educational access cable television channels in Marion County, Indiana.

WHEREAS, both of the cable television operators holding nonexclusive franchises to provide cable services within the Consolidated City (City) are required by the terms of their franchise agreements to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

WHEREAS, the Office of the City Controller holds such amounts in the Cable Franchise PEG Grants Fund (Fund), and the Indianapolis-Marion County Cable Franchise Board (Board) recommends Fund expenditures, which are authorized by the City-County Council (Council) as public purpose grants; and

WHEREAS, on February 19, 1997, the Board approved Indiana University's request for \$47,726.00 from the Fund to purchase playback and field production equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), a voluntary consortium of area school districts, colleges, and universities, to operate and produce programming for the educational access cable television channels of the franchised cable systems in Marion County, Indiana; and

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$47,726.00 to Indiana University for the purpose of purchasing playback and field production equipment to be used in the operation of and programming production for the educational access cable television channels in Marion County, Indiana (the Grant); and

WHEREAS, Section 2-428 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the Council; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$47,726.00 to Indiana University for the purpose of purchasing playback and field production equipment as recommended by the Board to be used in the operation of and the programming production for the educational access channels of the franchised cable systems in Marion County, Indiana, is hereby approved.

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

PROPOSAL NO. 191, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 191, 1997 on April 8, 1997. The proposal approves an amendment to a Lease Agreement by and between the Marion County Convention and Recreational Facilities Authority, as Lessor, and the Metropolitan Development Commission of Marion County, as Lessee. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Talley stated that he is not clear on Plan 2000 and is not sure it is the most effective way to fund the issues it addresses.

Councillor Williams stated that she would rather see Plan 2000 as a whole before making piecemeal decisions on Proposals which affect the plan. She asked what would happen if one of the proposals included in the plan were to fail. Councillor Curry stated that an overview of Plan

2000 was detailed in the most recent Rules and Public Policy Committee minutes. He added that if one of the proposals were to fail, the City would have to look at a new plan.

Councillor Golc stated that James Steele, City Controller, has agreed to address the Democratic Caucus to give an overview of Plan 2000. He asked Mr. Steele if a postponement until the overview has taken place would affect the plan's timeline adversely. Mr. Steele stated that a postponement to the next Council meeting would be acceptable.

Councillor Borst stated that the Economic Development Committee will also be hearing an overview of the plan at their meeting on April 17, 1997.

Councillor Golc moved, seconded by Councillor Talley, to postpone Proposal No. 191, 1997 until April 28, 1997. The motion carried by a unanimous voice vote.

Councillor Talley asked Mr. Steele if he would provide a legend of the acronyms he uses in the presentation of Plan 2000. Mr. Steele agreed to do so.

PROPOSAL NO. 195, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 195, 1997 on March 19, 1997. The proposal amends the Code concerning the Marion County Justice Agency Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 195, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 195, 1997 was retitled GENERAL ORDINANCE NO. 50, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 1997

A GENERAL ORDINANCE amending the Code concerning the Marion County Justice Agency Board.

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

SECTION 1. Secs. 2-314 and 2-315 of the Code of Indianapolis and Marion County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 2-314. Board membership.

(a) The board shall be composed of the following members:

- (1) The sheriff of Marion County;
- (2) The director of the department of public safety;
- (3) The judge of the Marion Circuit Court;

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- (4) The ~~presiding judge of the municipal court of Marion County~~ auditor;
- (5) A judge of the Marion Superior Court, to be designated by the presiding judge of the superior court;
- (6) The chairman of the public safety and criminal justice committee of the city-county council;
- (7) The Marion County prosecuting attorney;
- (8) The Marion County clerk;
- (9) The mayor of the City of Indianapolis, who shall sit as an ex officio member.

(b) Board members may serve by proxy. Proxies shall be designated in a writing delivered to the chairman and secretary of the board. Proxies' designations shall remain in effect through December 31 of the year in which they are made, and the secretary of the board shall maintain a current list of proxies. Board members and their proxies shall serve without compensation.

Sec. 2-315. Advisory members.

The following shall be advisory members of the board.

- (a) The chief of police of the Beech Grove Police Department.
- (b) The chief of police of the Lawrence Police Department.
- (c) The chief of police of the Speedway Police Department.
- (d) A representative of the Indiana State Police Department.
- (e) The chief of the Indianapolis Police Department.
- (f) The ~~Marion County auditor~~ chief public defender.

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 181-185, 187, and 188, 1997 on March 26, 1997. He asked for consent to vote on Proposal Nos. 181-185, 1997 together. Consent was given.

PROPOSAL NO. 181, 1997. The proposal, sponsored by Councillor Coonrod, authorizes intersection controls for Windstar Subdivision, Section 1 (District 5). PROPOSAL NO. 182, 1997. The proposal, sponsored by Councillor Boyd, authorizes intersection controls for Mallard Lake Subdivision (District 11). PROPOSAL NO. 183, 1997. The proposal, sponsored by Councillor Boyd, authorizes a multi-way stop at 43rd Street and LaSalle Street (District 11). PROPOSAL NO. 184, 1997. The proposal, sponsored by Councillor Massie, authorizes a multi-way stop at Griffin Road and Singleton Street (District 20). PROPOSAL NO. 185, 1997. The proposal, sponsored by Councillor O'Dell, authorizes a multi-way stop at Franklin Road and Raymond Street (District 13). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Boyd, for adoption. Proposal Nos. 181-185, 1997 were adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Gray, Jones

1 ABSENT: Black

Proposal No. 181, 1997 was retitled GENERAL ORDINANCE NO. 51, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 1997

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
21	Leo Dr, Libra Ln	Leo Dr	Stop
21	Libra Ln, 38th St	38th St	Stop

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

Proposal No. 182, 1997 was retitled GENERAL ORDINANCE NO. 52, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 1997

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	Mallard View Dr (North Entrance), Millersville Rd	Millersville Rd	Stop
19	Mallard View Dr (South Entrance), Millersville Rd	Millersville Rd	Stop

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

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Proposal No. 183, 1997 was retitled GENERAL ORDINANCE NO. 53, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 1997

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	43rd St, LaSalle St	LaSalle St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	43rd St, LaSalle St	None	All Way Stop

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

Proposal No. 184, 1997 was retitled GENERAL ORDINANCE NO. 54, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 54, 1997

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
46	Griffin Rd, Singleton St	Griffin Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
46	Griffin Rd, Singleton St	None	All Way Stop

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

Proposal No. 185, 1997 was retitled GENERAL ORDINANCE NO. 55, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 1997

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12	Franklin Rd, Raymond St	Franklin Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12	Franklin Rd, Raymond St	None	All Way Stop

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

PROPOSAL NO. 187, 1997. The proposal, sponsored by Councillor Hinkle, authorizes a stop sign for Birchcrest Drive at Emory Lane (District 18). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 187, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 187, 1997 was retitled GENERAL ORDINANCE NO. 56, 1997, and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 56, 1997

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29	Birchcrest Dr, Emory Ln	Emory Ln	Stop

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

PROPOSAL NO. 188, 1997. The proposal, sponsored by Councillor Coonrod, authorizes parking restrictions for Warren Woods Subdivision (District 5). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 188, 1997 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Short, Smith, Talley, Tilford, Williams*

0 NAYS:

5 NOT VOTING: *Dowden, Gray, Jones, Schneider, Shambaugh*

1 ABSENT: *Black*

Proposal No. 188, 1997 was retitled GENERAL ORDINANCE NO. 57, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 57, 1997

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

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

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

Essen Court, on the east side,
from Amburg Drive to a point 220 feet south of Amburg Drive

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

NEW BUSINESS

Councillor Hinkle stated that the Metropolitan Development Committee will be hearing public testimony on the Wellfield Protection Ordinance on April 21, 1997.

Mr. Elrod made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition 96-Z-227, Council Proposal No. 252, 1997, at its next regular meeting on April 28, 1997, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 148 acres at 6202 Southeastern Avenue from D-A to C-S, to provide for a mixed-use development of multi-family, assisted living, and commercial uses.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillor Jones in memory of Larry C. Dunville.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Larry C. Dunville. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:32 p.m.

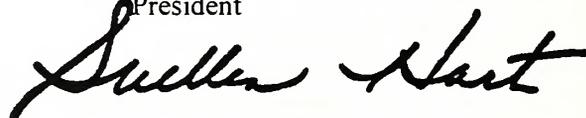
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of April, 1997.

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

ATTEST:

(SEAL)


President


Clerk of the Council