

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

**REGULAR MEETINGS  
MONDAY, SEPTEMBER 10, 1990**

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 7:15 p.m. on Monday, September 10, 1990, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

*28 PRESENT: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

*1 ABSENT: Clark*

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

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council

*Journal of the City-County Council*

Chambers, on Monday, September 10, 1990, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

August 28, 1990

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 30, 1990, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 508 and 509, 1990, to be held on Monday, September 10, 1990, at 7:00 p.m., in the City-County Building.

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

August 28, 1990

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 30, 1990, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 424, 1990, to be held on Monday, September 10, 1990, at 7:00 p.m., in the City-County Building.

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

August 28, 1990

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 30, 1990, a copy of NOTICE TO TAXPAYERS of an ESTABLISHMENT OF CUMULATIVE FUNDS.

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

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

Ladies and Gentlemen:

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

September 10, 1990

GENERAL ORDINANCE NO. 107, 1990, amending the Code of Indianapolis and Marion County, Indiana, by adding Sections 23-44--23-48, Article IV of Chapter 23, to establish a deferred compensation plan for City and County employees. This action ratifies City-County General Resolution No. 3, 1981 which established the guidelines for a Deferred Compensation Program for City and County employees and brings the program into compliance with the requirement of IC 5-10-1.1-7.

GENERAL ORDINANCE NO. 108, 1990, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 109, 1990, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 110, 1990, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

SPECIAL ORDINANCE NO. 13, 1990, election to fund MECA in 1991 with County Option Income Tax Revenues.

SPECIAL RESOLUTION NO. 48, 1990, supporting the American Legion.

SPECIAL RESOLUTION NO. 50, 1990, concerning public safety.

Respectfully submitted,  
/s/William H. Hudnut, III  
William H. Hudnut, III

September 6, 1990

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

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy-Dick, Special Resolution #49, 1990, without my signature for the following reason:

Monday evening, August 24, 1990, the City-County Council passed this special resolution by voice vote. The resolution requests the Indiana Supreme Court to reconsider its judicial ruling concerning small claims courts. As with all special resolutions passed by the Council, I have been invited to join in the proposal by signing it. Although I understand the Council's good intentions behind the proposal, I cannot give my support because it is my belief that the appropriate way to challenge the ruling is through the appellate process.

There appears to be a strong difference of opinion about this issue, and given the lack of advance public notice that this matter was before the Council, and that there was little opportunity for debate, discussion or testimony, I decline the opportunity to sign this resolution. Again, it is my belief that the appropriate way to bring this to the attention of the Indiana Supreme Court is through the appellate process where both sides have the opportunity to explain their legal arguments.

Respectfully submitted,  
/s/William H. Hudnut, III  
William H. Hudnut, III

### ADOPTION OF THE AGENDA

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

### APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of August 27, 1990. There being no additions or corrections, the minutes were approved as distributed.

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

There was a presentation on Eli Lilly & Company's expansion plans on the near southside made by the following company representatives: Mitch Daniels, Bob Postelthwait, Ed West, Alecia DeCondreaux, Sandy Bower and Forrest Mellott.

PROPOSAL NO. 541, 1990. This proposal concerns the University of Indianapolis Speech Team who won the National Forensic Association's annual Individual Events Championship competition this summer. Councillor Moriarty read the resolution and Councillor McGrath presented framed documents to Kerri Brinson, Steven J. Dabrowski, Kristina Ganschow and Amy Pacheco, members of the speech team, and to Audrey Cunningham, the team's faculty coach, who expressed appreciation for the recognition. Councillor Moriarty moved, seconded by Councillor McGrath, for adoption. Proposal No. 541, 1990 was adopted by unanimous voice vote.

Proposal No. 541, 1990, was retitled SPECIAL RESOLUTION NO. 51, 1990, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 51, 1990**

A SPECIAL RESOLUTION CONCERNING the University of Indianapolis Speech Team.

WHEREAS, the four-member speech team of the University of Indianapolis won the National Forensic Association's annual Individual Events Championship competition this summer in Mankato, Minnesota; and

WHEREAS, of the 80 colleges entered in the Division III competition, this local winning team edged second-place University of Colorado-Boulder by only one-half point; and

WHEREAS, because of skill and hard work, this University of Indianapolis speech team has additionally earned the honor of becoming the first national champion in any field for this major university; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the University of Indianapolis' national forensic champion team: Kerri Brinson, Steven J. Dabrowski, Kristina Ganschow and Amy Pacheco.

SECTION 2. The Council additionally recognizes the team's faculty coach, Audrey Cunningham, and notes that this was only her first year to coach the speech team at the university.

SECTION 3. The Council is confident that this first taste of victory by the speech team is only an inspirational prelude to future successes for the University of Indianapolis.

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

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

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 534, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$26,500 for the Department of Administration, Internal Audit Division, to pay for an independent external quality control review"; and the President referred it to the Administration Committee.

PROPOSAL NO. 535, 1990. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving the establishment of an

Economic Development Area at 86th Street and Zionsville Road"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 536, 1990. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls at Marlowe Avenue and Oriental Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 537, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of High School Road and Morris Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 538, 1990. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing an 11,000 pounds gross weight limit restriction on 80th Street between Keystone Avenue and Westfield Blvd"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 539, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting the parking restrictions on a segment of Lockerbie Street, Park Avenue and Vermont Street in the Lockerbie Square area"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 540, 1990. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a one-way westbound traffic flow on Laverock Road between Broadway Street and Park Avenue"; and the President referred it to the Transportation Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 532, 1990. Councillor Schneider asked Councillor Gilmer to give the Committee report on Proposal Nos. 532 and 533, 1990 since he was not present at the committee meeting. Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 532, 1990 on August 29, 1990. The proposal approves and authorizes certain actions and proceedings with respect to certain proposed economic development bonds (Hoosier Gasket Corporation). Councillor Gilmer stated that the bonds were for \$995,000 and that Hoosier Gasket Corporation will be constructing a larger facility at 3400 Massachusetts Avenue. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Boyd, for adoption. Proposal No. 532, 1990, was adopted on the following roll call vote; viz:

*23 YEAS: Borst, Boyd, Brooks, Cottingham, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West*

*0 NAYS:*

*5 NOT VOTING: Coughenour, Howard, Irvin, Ruhmkorff, Williams*

*1 NOT PRESENT: Clark*

Proposal No. 532, 1990, was retitled SPECIAL RESOLUTION NO. 52, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 1990

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 directly owned by the company; and

WHEREAS, Argyle G. Jackson and Erwilli M. Jackson, their executors, administrators, successors or assigns, or a partnership or other entity to be formed by them, as developer, and Hoosier Gasket Corporation, as principal user (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 the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, installation and equipping of a gasket manufacturing plant containing approximately 50,000 square feet which will be located at 3400 Massachusetts Avenue, Indianapolis, Indiana on approximately 3.5 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction, installation, and equipping of various site improvements at the facility (the "Project").

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately eleven (11) after one (1) year and twenty-five (25) after three (3) years) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

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

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in 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 promotion of diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment (an additional number of jobs of approximately eleven (11) after one (1) year and twenty-five (25) after three (3) years) in 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 said Issuer take such action as it lawfully may to encourage diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment in 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 Nine Hundred Ninety-Five Thousand Dollars (\$995,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires March 31, 1991 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 resolution 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) the aggregate amount of private activity bonds issued pursuant to such issue when added to 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 and (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 private 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 (provided that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 533, 1990. Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 533, 1990 on August 29, 1990. The proposal authorizes the City of Indianapolis to issue Economic Development Refunding Revenue Bonds, Series 1990A (FHA Insured Mortgage Loan - Oakleaf II Project), in an aggregate principal amount not to exceed \$5,300,000, and Series 1990B Taxable (Non-Asset Letter of Credit Backed Unrated Refunding Bonds), in the aggregate principal amount not to exceed \$700,000, and approves and authorizes other actions in respect thereto. Councillor Gilmer explained that this proposal would enable the Oakleaf/Indianapolis Retirement Community to take advantage of lower interest rates. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 533, 1990, was adopted on the following roll call vote; viz:

*27 YEAS: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

*0 NAYS:*

*1 NOT VOTING: Howard*

*1 NOT PRESENT: Clark*

Proposal No. 533, 1990 was retitled SPECIAL RESOLUTION NO. 53, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1990

A SPECIAL RESOLUTION authorizing The City of Indianapolis to issue Economic Development Refunding Revenue Bonds, Series 1990A (FHA Insured Mortgage Loan - Oakleaf II Project), in an aggregate principal amount not to exceed Five Million Three Hundred Thousand Dollars (\$5,300,000), and Series 1990B Taxable (Non-Asset Letter of Credit Backed Unrated Refunding Bonds), in the aggregate principal amount not to exceed Seven Hundred Thousand Dollars (\$700,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and,

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

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a partnership for the purpose of financing costs of acquisition, construction, rehabilitation,

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remodeling and improvement of privately owned economic development facilities including a congregate retirement facility, for diversification of economic development and promotion of job opportunities in or near such issuer; and,

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

WHEREAS, on December 18, 1985, the City of Indianapolis, Indiana (the "Issuer"), issued \$5,430,000 aggregate principal amount of its Economic Development Revenue Bonds, Series 1985 (FHA-Insured Mortgage Loan -- Oakleaf II Project) (the "Prior Bonds"), for the purpose of making a loan (the "Mortgage Loan") to Oakleaf/Indpls. Limited Partnership (the "Owner"), an Ohio limited partnership, for the construction and permanent financing of a 121-unit congregate retirement facility project known as Oakleaf II located in Indianapolis, Indiana at 8480 North Craig Street, and identified as FHA Project No. 073-35485-PM-WAC (the "Project"); and,

WHEREAS, pursuant to a Financing Agreement, dated as of December 1, 1985 (the "Prior Agreement"), among the Issuer, the Prior Trustee (as defined below), and the Owner, the Issuer provided funds to The Central Trust Company, N.A., Cincinnati, Ohio, as trustee (the "Prior Trustee") under the indenture (the "Prior Indenture") securing the Prior Bonds (i) to finance the mortgage loan insured by the Federal Housing Administration ("FHA"), an organizational unit within the United States Department of Housing and Urban Development ("HUD"), in the principal amount of \$5,178,800 evidenced by a Mortgage Note (the "FHA Note") from the Owner to the Prior Trustee secured by a first mortgage on the Project (the "Mortgage"), the proceeds of which were advanced pursuant to a Building Loan Agreement between the Prior Trustee, as mortgagee of record, and the Owner, and (ii) to fund a Debt Service Reserve Fund under the Prior Indenture; and,

WHEREAS, the Owner is in default of its obligation to make payments to the Prior Trustee under the FHA Note, and the Prior Trustee has, therefore, assigned the FHA Note and the Mortgage to HUD pursuant to the provisions of the Prior Indenture; and,

WHEREAS, HUD has confirmed that the FHA mortgage insurance benefits are payable to the Prior Trustee as a result of the default with respect to the Mortgage Loan and has paid mortgage insurance benefits to the Prior Trustee in connection with such Mortgage Loan default; and,

WHEREAS, under the terms of the Prior Indenture, the Prior Bonds are subject to mandatory redemption at a redemption price equal to the principal amount thereof, plus accrued interest to the redemption date, to the extent money is available in the Bond Fund thereunder from whatever source on any date in the earliest practicable date, as a whole or in part if FHA mortgage insurance proceeds are payable to the Prior Trustee; and,

WHEREAS, the Owner and HUD have agreed to amend the FHA Note to provide for, among other things, a reduction in the rate of interest on the FHA Note; and,

WHEREAS, in order to fulfill the public purpose of providing economic development facilities such as congregate housing facilities within its jurisdiction, the Issuer intends to issue its Economic Development Revenue Refunding Bonds, Series 1990A (FHA-Insured Mortgage Loan -- Oakleaf II Project), in the maximum aggregate principal amount of \$5,300,000 (the "Series 1990A Bonds") together with its Economic Development Revenue Refunding Bonds, Series 1990B Taxable (Non-Asset Letter of Credit Backed Unrated Refunding Bonds) in the maximum aggregate principal amount of \$700,000 (the "Series 1990B Bonds") (collectively, the "Series 1990 Bonds"), to provide for the current refunding for the Prior Bonds; and,

WHEREAS, the proceeds of the Series 1990 Bonds transferred to the Prior Trustee will be sufficient, together with other amounts available for such purpose, to redeem the Prior Bonds pursuant to the provisions of described above; and,

WHEREAS, upon the receipt of amounts released from such Prior Indenture, Bank One, Columbus, N.A., as Trustee (the "Trustee") is to remit a portion of such amounts to HUD (together with certain other amounts available to the Trustee for such purpose) in exchange for HUD's delivery to the Trustee of the FHA Note, as amended, pursuant to a Loan Work-Out Agreement, dated as of September 1, 1990 (the "Loan Work-Out Agreement"), by and among the Issuer, the Owner and the Trustee; and,

WHEREAS, the Indianapolis Economic Development Commission on August 29, 1990, adopted a Resolution, which Resolution has been previously transmitted hereto, finding that the current refunding the Prior Bonds which were issued to finance the Project which will continue to be owned by the Owner complies with the purposes and provisions of the Act and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and,

September 10, 1990

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the 1) Trust Indenture dated as of September 1, 1990 among the Issuer and the Trustee (the "Indenture"); 2) Loan Work-Out Agreement (the "Loan Agreement"); 3) Bond Purchase Agreement; 4) Preliminary Official Statement; 5) Preliminary Institutional Placement Memorandum; and, 6) the form of the Series 1990 Bonds (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; NOW, THEREFORE,

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

SECTION 1. It is hereby found that the current refunding of the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of the Series 1990 Bonds, the loan of the net proceeds thereof to the Owner for the purposes of affecting the current refunding the Project, and the repayment of said loan by the Owner will be of benefit to the health or general welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

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

SECTION 3. The City of Indianapolis shall issue its Series 1990A Bonds in an aggregate principal amount not to exceed Five Million Three Hundred Thousand Dollars (\$5,300,000), and its Series 1990B Bonds in an aggregate principal amount not to exceed Seven Hundred Thousand Dollars (\$700,000), for the purpose of procuring funds to loan to the Owner in order to affect a current refunding of the Prior Bonds, which Series 1990 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Owner on its Series 1990 Notes in the principal amount equal to the aggregate principal amount of the Series 1990 Bonds which will be executed and delivered by the Owner to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1990 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Series 1990 Bonds to the purchaser or purchasers thereof at a price not less than 97% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Series 1990A Bonds not to exceed Eleven Percent (11%) per annum and on the Series 1990B Bonds not to exceed Fifteen Percent (15%) per annum. The use of an Official Statement and an Institutional Placement Memorandum in substantially the same form as the Preliminary Official Statement and the Preliminary Institutional Placement Memorandum approved herein is approved for use and distribution by the Underwriter designated in the Bond Purchase Agreement in connection with the marketing of the Series 1990 Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Series 1990 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1990 Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Series 1990 Bonds or their manual signatures thereof, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder or holders of the Series 1990 Bonds and after the issuance of said Series 1990 bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders as long as said Series 1990 Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NOS. 542-549, 1990. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan

Development Commission on September 7, 1990. Councillor Solenberg moved that Proposal No. 542, 1990, be scheduled for a public hearing:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 542, 1990 (Rezoning Case 90-Z-61) be scheduled for a hearing before this Council at its next regular meeting on September 24, 1990 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

/s/ John Solenberg  
Councillor

By Consent the motion was adopted.

The Council did not schedule Proposal Nos. 543-549, 1990, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 543-549, 1990, were retitled REZONING ORDINANCE NOS. 161-167, 1990, and are identified as follows:

REZONING ORDINANCE NO. 161, 1990. 90-Z-127 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1

8510 WILSON ROAD, INDIANAPOLIS.

BRENT E. AND PAMELA A. MERRITT, by Mary E. Solada, request the REZONING of 4 acres, being in the PK-1 and D-A Districts, to the PK-2 classification to provide for the development of four (4) single-family homes.

REZONING ORDINANCE NO. 162, 1990. 90-Z-138 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 2

1515 WEST 96TH STREET, INDIANAPOLIS.

MAYFAIR DEVELOPMENT, INC., by Steven Backer, requests the REZONING of 5 acres, being in the D-A District, to the D-5 classification to provide for the development of 23 single-family homes.

REZONING ORDINANCE NO. 163, 1990. 90-Z-142 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5

3720 NORTH GERMAN CHURCH ROAD, INDIANAPOLIS.

MERIT DEVELOPMENT CORPORATION, by Charles G. Castor, requests the REZONING of 24.86 acres, being in the C-4 and D-6 II Districts, to the D-4 classification to provide for the development of detached single-family homes.

REZONING ORDINANCE NO. 164, 1990. 90-Z-143 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 10

1644 ROOSEVELT AVENUE (REAR), INDIANAPOLIS.

FATHER ARTHUR KELLY requests the REZONING of 0.907 acre, being in the D-8 District, to the SU-7 classification to provide for the remodeling of an existing building being used for Youth Counseling.

REZONING ORDINANCE NO. 165, 1990. 90-Z-146 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 14

602 NORTH SHERMAN AVENUE, INDIANAPOLIS.

THOMSON CONSUMER ELECTRONICS, INC., by Phillip A. Nicely, requests the REZONING of 13 acres, being in the D-5, C-1 and I-4-U Districts, to the I-4-U classification to conform zoning to the existing use.

REZONING ORDINANCE NO. 166, 1990. 90-Z-147 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19

8013 WEST WASHINGTON STREET, INDIANAPOLIS.

MERRILL ROBERTS, by Stephen D. Mears, requests the REZONING of 10.21 acres, being in the C-3, C-5 and SU-41 Districts, to the C-S classification to provide for commercial development including the following: office uses and all uses permitted in the I-2-S District; all uses permitted in the C-5 District and all office/warehouse distribution uses.

REZONING ORDINANCE NO. 167, 1990. 90-Z-172 DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19

6899 CORDOVA DRIVE, INDIANAPOLIS.

September 10, 1990

CERTIFIED MANAGEMENT RESOURCES, INC. requests the REZONING of 8.359 acres, being in the D-A District, to the D-4 classification to provide for the development of a single-family subdivision by platting.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 424, 1990. Councillor Strader reported that Proposal No. 424, 1990 was returned to Committee by the Council at the August 27, 1990 meeting. On August 28, 1990 the Community Affairs Committee heard Proposal No. 424, 1990. The proposal appropriates \$5,587,000 in the County General Fund for the Mayor of the City of Indianapolis, in his capacity as County executive and successor to the powers of the Board of County Commissioners, to loan the County Department of Public Welfare funds to cover expenses for the remainder of the year, which loan will be repaid in 1991 through a debt service levy, and appropriating such amount for purposes of the County Department of Public Welfare. By a 3-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Strader asked Robert Elrod, General Counsel, to explain the amendments to the Council. Mr. Elrod stated that there were three amendments to Proposal No. 424, 1990: (1) the appropriation for the Welfare Department was increased from \$5,587,000 to \$7,853,000, (2) the Mayor is to make the determination on this loan, and (3) the addition of a new Section 9 approving the petition to the State Tax Board which allows the appropriation to be recovered in next year's tax rate and to be repaid to the county out of 1991 tax revenues.

The President called for public testimony at 8:27 p.m. There being no one present to testify, Councillor Strader moved, seconded by Councillor Curry, for adoption. Proposal No. 424, 1990, as amended, failed on the following roll call vote; viz:

12 YEAS: *Brooks, Cottingham, Coughenour, Curry, Holmes, Howard, Mukes-Gaither, Rhodes, SerVaas, Shaw, Strader, West*  
16 NAYS: *Borst, Boyd, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Irvin, Jones, McGrath, Moriarty, Ruhmkorff, Schneider, Solenberg, Williams*  
1 NOT PRESENT: *Clark*

Councillor Howard asked for consent to explain his vote. Consent was given. Councillor Howard stated that he voted for the proposal because the State mandates that the County pay for welfare.

Councillor Irvin stated that he voted "no" because it puts too much of a burden on the taxpayers.

Councillor Strader said that he does not have a problem with a "protest vote" but, in his opinion, it is ludicrous for members of the Council to talk about saving the taxpayers' money and turn around and spend that money on lawyers' fees in order to fight a court challenge on this action.

Councillor West said he supported the welfare loan because the welfare appropriation has been placed in 1991's budget and in defeating Proposal No. 424, 1990 it puts the City in a difficult position with the bonding authorities who assign ratings.

President SerVaas passed the gavel to Councillor West.

President SerVaas stated that many people go to court expecting to lose but in so doing create public debate and public recognition to a problem that does exist.

Councillor West returned the gavel to President SerVaas.

Councillor Boyd moved, seconded by Councillor West, for reconsideration of Proposal No. 424, 1990.

Councillor Coughenour asked for the opinion of the auditor on this matter.

John von Arx, County Auditor, stated that if government officials had to borrow the money outright to pay the Welfare Department's shortfall, the City would risk losing its high credit rating. Losing the rating would make it more difficult to find buyers for city bond issues, meaning the City would have to pay higher interest rates to borrow money.

Councillor Boyd's motion to reconsider passed by the following roll call vote; viz:

*17 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Gilmer, Hawkins, Holmes, Howard, Jones, Mukes-Gaither, Rhodes, SerVaas, Shaw, Strader, West, Williams*

*10 NAYS: Dowden, Durnil, Giffin, Golc, Irvin, McGrath, Moriarty, Ruhmkorff, Schneider, Solenberg*

*1 NOT VOTING: Borst*

*1 NOT PRESENT: Clark*

Councillor Durnil moved the question on Proposal No. 424, 1990. Councillor Ruhmkorff seconded the motion. This motion passed by unanimous voice vote. The President asked for another vote on the proposal. Proposal No. 424, 1990, as amended, was adopted on the following roll call vote; viz:

*16 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Gilmer, Hawkins, Holmes, Howard, Jones, Mukes-Gaither, Rhodes, SerVaas, Shaw, Strader, West*

*11 NAYS: Dowden, Durnil, Giffin, Golc, Irvin, McGrath, Moriarty, Ruhmkorff, Schneider, Solenberg, Williams*

*1 NOT VOTING: Borst*

*1 NOT PRESENT: Clark*

Proposal No. 424, 1990, as amended, was retitled FISCAL ORDINANCE NO. 92, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Seven Million Eight Hundred Fifty-three Thousand Dollars (\$7,853,000) in the County General Fund and the County Welfare General Fund for purposes of the County Department of Public Welfare and reducing the unappropriated and unencumbered balances in the County General Fund and County Welfare 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 2.01 (b) and 3.03 (a) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Mayor of the City of Indianapolis, in his capacity as County executive and successor to the powers of the Board of County Commissioners, to loan the County Department of Public Welfare funds to cover expenses for the remainder of the current fiscal year, to be repaid in 1991 through a debt service levy.

September 10, 1990

SECTION 2. The sum of Five Million Five Hundred Eighty-seven Thousand Dollars (\$5,587,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COUNTY COMMISSIONERS</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$5,587,000</u>
TOTAL INCREASE	\$5,587,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>\$5,587,000</u>
TOTAL REDUCTION	\$5,587,000

SECTION 5. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 3.01 of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Department of Public Welfare to provide for payment of additional expenses financed by a loan from the County General Fund which will be repaid in 1991 through a debt service levy.

SECTION 6. The sum of Seven Million Eight Hundred Fifty-three Thousand Dollars (\$7,853,000) be, and the same is hereby appropriated for the purposes as shown in Section 7 by reducing the unappropriated balances as shown in Section 8.

SECTION 7. The following additional appropriations are hereby approved:

<u>COUNTY DEPARTMENT OF PUBLIC WELFARE</u>	<u>WELFARE GENERAL FUND</u>
3. Other Services and Charges	<u>\$7,853,000</u>
TOTAL INCREASE	\$7,853,000

SECTION 8. The said additional appropriations are funded by the following reductions:

	<u>WELFARE GENERAL FUND</u>
Unappropriated and Unencumbered	
Welfare General Fund	<u>\$7,853,000</u>
TOTAL REDUCTION	\$7,853,000

SECTION 9. The appropriate officials are hereby authorized and directed to file a petition with the State Board of Tax Commissioners ("Board") requesting permission from the Board to incur the debt created by the loan referred to in Section 1 hereof.

SECTION 10. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 474, 508 and 509, 1990. Councillor Dowden asked for consent to postpone Proposal Nos. 474, 508 and 509, 1990 until October 8, 1990. PROPOSAL NO. 474, 1990. This proposal transfers and appropriates \$6,201 for the Prosecutor's Child Support IV-D Agency to pay one full-time civil deputy's salary for the remainder of 1990, whose express responsibility will be to serve child support papers. PROPOSAL NO. 508, 1990. This proposal appropriates \$458,252 for the Presiding Judge of the Municipal Court to pay for an increase in the Public Defender's staff and related expenditures. PROPOSAL NO. 509, 1990. This proposal appropriates \$233,500 out of the interest money from bond proceeds for the Justice Agency to pay for JUSTIS II hardware and cabling expenses, a probation case tracking study, warrants, and training supplies. Consent was given.

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 473, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 473, 1990 on August 20, 1990. The proposal revises and enhances the deferred compensation plan for city-county employees. By a 6-0 vote, the

Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes stated that it was amended in Committee by substituting a more general version of the deferred compensation plan which was submitted by City Legal. He also stated that he had one more amendment to make to Proposal No. 473, 1990. Councillor Rhodes moved, seconded by Councillor Holmes, to amend Proposal No. 473, 1990 by adding a new Section 7 as follows:

SECTION 7. The City-County Council approves the City of Indianapolis and Marion County Deferred Compensation Plan submitted to the Council on September 10, 1990, and attached to this proposal as Exhibit A.

This motion passed by unanimous voice vote. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 473, 1990 as amended was adopted on the following roll call vote; viz:

25 YEAS: *Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Borst, Irvin, Solenberg*

1 NOT PRESENT: *Clark*

Proposal No. 473, 1990 as amended was retitled GENERAL ORDINANCE NO. 111, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 1990

A proposal for a General Ordinance amending Article IV of Chapter 23 of the Code of Indianapolis and Marion County, Indiana, to establish a new deferred compensation plan for City and County employees. This action complies with the requirements of IC 5-10-1.1-7.

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

SECTION 1. Sec. 23-43 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken through and inserting the language underscored to read:

~~Section 23-43. Employee deferred compensation plan; minimum and maximum amounts deferrable; investment options.~~

~~Employees may defer a minimum of \$25.00 a month up to the lesser of \$7,500.00 a year or 33 1/3% of includible compensation. This deferred income may be invested at the employees' option as follows:~~

- ~~a. Fixed Annuity. Currently (2/9/81) earning 11 1/2% interest with no front end charges to the employee, with a guaranteed interest rate of 3.75% interest.~~
- ~~b. Variable Annuity. A fund invested in common stocks which fluctuates with the market creating certain risks. Each employee will be charged a fee of 6% for the first \$5,000.00 deferred and 4% thereafter.~~

Section 23-43. Definitions. For purposes of this Article the following words shall have the meanings herein stated:

(a) "deferred compensation" shall mean the amount of compensation reduced and deferred pursuant to a deferred compensation agreement.

(b) "deferred compensation plan" shall mean any plan established pursuant to Section 23-44 or any plan established under an ordinance which preceded Section 23-44;

(c) "deferred compensation account" shall mean the account established for each employee who has entered into a deferred compensation agreement and into which the compensation he has deferred shall be credited;

(d) "deferred compensation agreement" shall mean that agreement, the terms of which are set forth in Section 23-46, entered into between the employer and an eligible employee as defined by Section 23-45;

(e) "employee" shall mean any person actively employed by either the City of Indianapolis or by Marion County;

(f) "employer" shall mean the City of Indianapolis and Marion County, Indiana.

SECTION 2. Section 23-44 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken through and inserting the language underscored to read:

~~Section 23-44. The employee's right to designate a beneficiary.~~

~~The employee has the right to designate a beneficiary. In the event of an employee's death, the full value of the employee's account will become payable to the named beneficiary in lump sum or in equal payments.~~

Section 23-44. Deferred Compensation Plan Authorized. Subject to City-County Council approval of each plan, the employer is hereby authorized to establish and administer one or more deferred compensation plans for eligible employees as provided in this Article or pursuant to IND. CODE §5-10-1.1-7. Such deferred compensation plans may be amended from time to time after proposed amendments are submitted and approved by the City-County Council. Any amendment to an existing plan or the adoption of a new plan shall not invalidate any employee's previous deferral of compensation and any income attributable to the amounts deferred.

SECTION 3. Section 23-45 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken through and inserting the language underscored to read:

~~Section 23-45. Changes to employee elections.~~

~~An employee may annually:~~

- ~~a. change his/her election to participate~~
- ~~b. amend the amount of compensation to be deferred~~
- ~~c. change his/her specification of an investment selection~~
- ~~d. change the payment option selected for the payment of benefits.~~

Section 23-45. Employee Eligibility. Any permanent full-time or permanent part-time employee will be eligible to participate in the deferred compensation plan provided the employee has entered into a properly executed deferred compensation agreement.

SECTION 4. Section 23-46 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken through and inserting the language underscored to read:

~~Section 23-46. Payout options at employee retirement. Employees may request at retirement a lump sum payment, may spread payments over certain periods, subject to applicable fees, or elect a life annuity operation at no charge.~~

Section 23-46. Required Terms of Agreement. The deferred compensation agreement specified in Section 23-43(d) shall be executed by the eligible employee and by the employer or by any party authorized to execute such agreements on behalf of the employer and shall contain the following provisions:

(a) The eligible employee shall agree that the salary or other total compensation, authorized by statute, ordinance or the responsible salary administrator or the position held by such employee, shall be reduced by at least \$25 per month and the amount shall be credited to his deferred compensation account.

(b) The employer and eligible employee shall mutually agree that the amount of deferred compensation shall be paid as set forth in the deferred compensation plan;

(c) The eligible employee shall agree that the deferred compensation account shall be the absolute property of the employer, and the employee shall have no rights to that account except as set forth in the deferred compensation plan;

(d) The eligible employee shall agree that he will:

- ~~(i) change his election to participate,~~
- ~~(ii) amend the amount of compensation to be deferred,~~
- ~~(iii) change his specification for investment selection, nor~~
- ~~(iv) change the payment option selected for the payment of benefits,~~

~~only as provided for in the deferred compensation plan.~~

~~(e) The employer shall agree that the eligible employee may, subject to the terms of the deferred compensation plan, designate a beneficiary who, in the event of the death of such employee, shall be paid the full value of the employees deferred compensation account.~~

~~Neither the existence of a deferred compensation agreement nor any of its provisions shall be construed to confer upon the employee any right to continue his employment for any specific period or at any particular rate of compensation. Any deferred compensation specified in such agreement shall accrue and be payable only as set forth in the deferred compensation plan.~~

SECTION 5. Section 23-47 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken through and inserting the language underscored to read:

~~Section 23-47. Payout options at employee termination of employment.~~

~~Employee, upon termination of employment, may withdraw money subject to applicable fees, or allow funds to remain in the plan until retirement, or may transfer accumulated funds to another plan of the same kind.~~

Section 23-47. Management of Deferred Compensation Accounts. All deferred compensation accounts established pursuant to this Article shall be invested pursuant to the terms of the deferred compensation plan and may be invested in either group fixed or group variable annuity contracts.

SECTION 6. Section 23-48 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken through and inserting the language underscored to read:

~~Section 23-48. Emergency withdrawals.~~

~~Employees may withdraw funds to the extent of certain hardships as determined by the applicable committee, or may withdraw from participation in the plan at any time, but may not re-enroll until the next enrollment.~~

Section 23-48. Administration. Each deferred compensation plan shall be administered as provided for in the deferred compensation plan document for that plan and any amendments thereto. Such documents may allow the employer, or his authorized representative, to enter into an agreement with, or to contract with, one or more third parties to provide administrative services for each deferred compensation plan.

SECTION 7. The City-County Council approves the City of Indianapolis and Marion County Deferred Compensation Plan submitted to the Council on September 10, 1990, and attached to this proposal as Exhibit A.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A  
DEFERRED COMPENSATION PLAN  
OF  
CITY OF INDIANAPOLIS AND MARION COUNTY

This City of Indianapolis and Marion County Deferred Compensation Plan (hereinafter referred to as the "Plan") is amended and restated effective May 1, 1990, by the City of Indianapolis and Marion County (hereinafter referred to as the "Employer").

WHEREAS, the Employer established this Plan effective May 1, 1981, to enable employees who become covered under the Plan to enhance their retirement security by permitting them to enter into agreements with the Employer to defer compensation and receive benefits at separation from service, and for financial hardships due to unforeseeable emergencies; and

WHEREAS, the Employer desires to amend and restate the Plan to effect certain changes; and

September 10, 1990

WHEREAS, the Plan shall be maintained for the exclusive benefit of covered employees, and is intended to comply with the eligible deferred compensation plan requirements of Section 457 of the Internal Revenue Code of 1986, as now in effect or as hereafter amended, and regulations thereunder, and other applicable law;

NOW, THEREFORE, effective May 1, 1990, the Employer does hereby amend and restate the Plan as set forth in the following pages.

SECTION 1  
DEFINITIONS

The following terms when used herein shall have the following meaning, unless a different meaning is clearly required by the context.

- 1.01 "Beneficiary" means the person(s) or estate entitled to receive benefits under this Plan after the death of a Participant.
- 1.02 "Benefit Commencement Date" means the date payment of benefits to a Participant or Beneficiary are to commence under the terms of this Plan.
- 1.03 "Code" means the Internal Revenue Code of 1986, as amended, including all regulations promulgated pursuant thereto. Citations herein to Code Section numbers refer to the Code Sections in existence as of August 31, 1990.
- 1.04 "Compensation" means the total remuneration earned by an Employee for personal services rendered to the Employer for the calendar year including amounts deferred under this Plan and any other Deferred Compensation Plan.
- 1.05 "Deferral" or "Deferral Amount" means the annual amount of Compensation that a Participant elects to defer receipt of pursuant to a properly executed Deferred Compensation Agreement.
- 1.06 "Deferred Compensation" means the amount of Compensation actually deferred into a Deferred Compensation Account by a Participant.
- 1.07 "Deferred Compensation Account" means the account established by the Employer for each Employee who has entered into a Deferred Compensation Agreement and into which his Deferred Compensation shall be credited at such times as the Compensation would have been payable to such Employees if they were not Participants of the Plan. Such accounts will show all amounts of Deferred Compensation, investments made, shares acquired and earnings, gains, and losses on investments made. Each such account will be valued at least annually.
- 1.08 "Deferred Compensation Agreement" means the agreement between an Employee and the Employer to defer receipt by the Employee of Compensation not yet earned. Such agreement shall state the Deferral Amount to be withheld from an Employee's paycheck and shall become effective no earlier than the first day of any month after it is executed by the Employee and accepted by the Employer.
- 1.09 "Deferred Compensation Plan" means any plan defined in Section 457(b) of the Code and includes this Plan among others.
- 1.10 "Effective Date of the Restatement" (Restatement Effective Date) means May 1, 1990.
- 1.11 "Employee" means any person actively employed by either the City of Indianapolis or by Marion County.
- 1.12 "Employer" means the City of Indianapolis and Marion County, Indiana.
- 1.13 "Hardship" means a severe financial setback of the Participant resulting from a sudden and unexpected illness or accident of the Participant or a dependent of the Participant, loss of the Participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances, arising from events beyond the Participant's control. Whether circumstances constitute an unforeseeable emergency depends on the facts of each case, but, in any case, payment may not be made to the extent that such hardship may be relieved:
  - (a) through reimbursement or compensation by insurance or otherwise;
  - (b) by liquidation of the Participant's assets, to the extent that liquidation itself would not cause severe financial hardship; or
  - (c) by cessation of Deferrals under the Plan.

Unforeseeable emergencies shall not include the need to send a Participant's child to college, or the desire to purchase a home.

- 1.14 "Includable Compensation" means compensation for services performed for the Employer which is currently includable in gross income as reported on the employee's federal income tax withholding statement (W-2 Form). In other words, it means Compensation reduced by the following amounts, to the extent such amounts are excludable from gross income:
- (a) amounts deferred under this Plan,
  - (b) amounts deferred under any other Eligible Deferred Compensation Plan, and
  - (c) employee contributions to a tax-sheltered annuity plan qualified under Code Section 403(b).

A Participant's Includable Compensation for a taxable year shall be determined without regard to any community property laws.

- 1.15 "Normal Retirement Age" means age 70 1/2 or other earlier age specified in writing by the Participant. In no event shall Normal Retirement Age be earlier than the earliest date at which one may retire under the Employer's basic pension plan without the Employer's consent and receive immediate retirement benefits, without incurring any actuarial or similar reduction in benefits.
- 1.16 "Open Enrollment Period" means the time period specified by the Plan Administrator during which an eligible Employee may enroll in the Plan.
- 1.17 "Participant" means an employee or former employee who is or has been enrolled in the Plan and who retains the right to benefits under the Plan.
- 1.18 "Plan" means the City of Indianapolis and Marion County Deferred Compensation Plan as amended from time to time, which was established pursuant to Section 23-44 of the Code of Indianapolis and Marion County, Indiana.
- 1.19 "Plan Administrator" means the City-County Administrative Board.
- 1.20 "Plan Year" means the twelve-month period beginning May 1 and ending April 30 from and after the Effective Date.
- 1.21 "Separation From Service" means the severance of a Participant's employment with the Employer.

## SECTION 2 PARTICIPATION

- 2.01 Eligibility for Participation: Each full-time or part-time Employee may become a Participant in this Plan during the next Open Enrollment Period following commencement of employment as an Employee and enrollment pursuant to Plan Section 2.02. Any person elected or appointed to a term of office with the Employer shall be deemed to commence employment at the time such person assumes office.
- 2.02 Enrollment: Eligible Employees may enroll in the Plan by completing a Deferred Compensation Agreement and submitting it to the Employer during an Open Enrollment Period. Enrollment shall be effective no sooner than the first day of the month following acceptance of such Deferred Compensation Agreement by the Employer.
- 2.03 Cessation of Participation: A Participant may cease participation in the Plan at any time. No benefits are payable because of such cessation of participation unless otherwise provided for in the Plan. Once participation has ceased it cannot be restarted again except as provided for in Plan Section 2.02.

## SECTION 3 DEFERRAL OF COMPENSATION

- 3.01 Deferral Procedure: Pursuant to a Deferred Compensation Agreement, each Participant's Deferral Amount shall be deducted from his paychecks. The Deferral Amount shall not be included as gross income on a Participant's federal income tax withholding statement (W-2 Form).
- 3.02 Maximum Deferral:
- (a) Primary Limitation - The Deferral Amount in any taxable year may not exceed the lesser of:

- (1) \$7,500, or
- (2) 33 1/3% of the Participant's Includable Compensation.

(b) Catch-up Limitation:

- (1) A Participant may trigger the catch-up limitation by electing a Normal Retirement Age pursuant to Plan Section 1.15. The maximum Deferral amount for each of a Participant's last three (3) taxable years ending before he or she attains Normal Retirement Age, is the lesser of:

- (i) \$15,000, or
- (ii) the primary limitation amount determined under Plan Section 3.02(a) for the current year, plus so much of the primary limitation amount that was not utilized in prior taxable years in which the employee was eligible to participate in the Plan, beginning after December 31, 1978. A Participant may use a prior year only if the Deferrals under the Plan in existence during that year were subject to the maximum deferral amount described in Treas. Reg. 1.457-2(e) (1982).

- (2) The catch-up limitation is available to a Participant only during one three-year period. If a Participant uses the catch-up limitation and then postpones Normal Retirement Age or returns to work after retiring, the limitation shall not be available again before a subsequent retirement.

- (c) Coordination With Other Plans - If a Participant participates in more than one Eligible Deferred Compensation Plan, the total deferral under all plans shall be subject to the maximum limitations specified in Plan Section 3.02. If a Participant participates in a plan provided for in Code Section 403(b), amounts excluded from gross income in any taxable year under such plan shall reduce the primary limitation amount determined under Plan Sections 3.02(a) and (b), and the \$15,000 limitation in Plan Section 3.02(b)(1)(i).

3.03 Minimum Deferral: A Participant must defer a minimum of \$25 per month.

3.04 Changing Deferrals: A Participant may change his Deferral Amount by executing a new Deferred Compensation Agreement. The change shall be effective on the first day of the month coinciding with or following completion of a new Deferred Compensation Agreement and acceptance of that agreement by the Employer.

3.05 Suspension of Deferrals:

- (a) Voluntary - A Participant may suspend Deferrals by giving the Employer written notice to that effect. Following suspension, a Participant may reinstate his Deferrals by executing a new Deferred Compensation Agreement and delivering it to the Employer.
- (b) Involuntary - At the Employers discretion Deferrals may be involuntarily suspended for any month in which there are insufficient monies available to make the entire deduction agreed upon, and automatically reinstated in the next month that Compensation is sufficient to make the agreed upon Deferral.

SECTION 4  
TIME OF BENEFIT PAYMENT

4.01 Eligibility for Payment: Payments from the Plan shall be made only upon a Participant's Separation from Service or upon an approved Hardship that results from an unforeseeable emergency.

Hardship - A Participant may request a withdrawal for Hardship by submitting a written request to the Plan Administrator, accompanied by evidence that his financial condition warrants an advance release of funds and results from an unforeseeable emergency which is beyond the Participant's control. The Plan Administrator shall review the request and determine whether payment of any amount is justified. If payment is justified, the amount shall be limited to an amount reasonably needed to meet the emergency. The Plan Administrator shall determine the amount and form of payment. Any money remaining in the account after Hardship withdrawal shall be distributed in accordance with the provisions of this Plan.

4.02 Commencement of Benefits:

- (a) Time of Commencement - Except for a Hardship withdrawal pursuant to Plan Section 4.01, benefit payments to a Participant shall commence 60 days after the date of Separation from Service, unless the Participant elects a later date.
- (b) Participant Election - A Participant may make a one-time irrevocable election to defer commencement of benefits to a date later than the automatic commencement time under Plan Section 4.02(a). A Participant may elect that benefits commence on any determinable future date so long as benefits commence no later than the first day of April of the calendar year following the calendar year in which the Participant attains (or would have attained) age 70 1/2.
- (c) Death Distribution Provisions:
  - (1) Distribution of benefits beginning before death. If the Participant dies after distribution of his interest has commenced, but before all payments under the settlement option selected have been paid, the remaining portion of such interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the Participant's death.
  - (2) Distribution of benefits beginning after death. If the Participant dies before distribution of his interest begins, distribution of the Participant's entire interest shall be paid in full during a period not to exceed 15 years after the death of the Participant, or the life expectancy of the surviving spouse if the spouse is the Beneficiary.
- (d) Benefits payable under this Plan (including any benefit distributed in the form of an annuity purchased from an insurance company) shall be determined and made in accordance with Code Section 401(a)(9) and the Proposed Regulations thereunder, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the Proposed Regulations.

SECTION 5  
FORM OF BENEFIT PAYMENT

- 5.01 Election: A Participant or Beneficiary may elect the form of payment of benefits, and may revoke that election (with or without a new election) at any time before 30 days preceding the Benefit Commencement Date, by notifying the Employer in writing, subject to the Employer's approval.
- 5.02 Forms of Payment: A Participant or Beneficiary may elect payment of benefits in one of the following forms:
  - (a) Lump Sum - A single payment of the entire balance in a Participant's Deferred Compensation Account.
  - (b) Life Contingent Annuity - Periodic payments contingent on the life expectancy of the Participant or Beneficiary, or over such life expectancy and a guaranteed period of time.
  - (c) Period Certain Annuity - Periodic payments over a specified period of time.
  - (d) Any other method of payment agreed upon by the Employer and the Participant or Beneficiary and provided for in an investment vehicle acquired by the Employer in connection with this Plan.

However, notwithstanding the above, if the value of a Participant's Deferred Compensation Account at the time benefits become payable is less than \$3,500, the Employer has the discretion to authorize a lump sum payment in lieu of any other option selected by a Participant or Beneficiary.

No benefit payment option may be selected which would provide annuity benefits extending beyond the life expectancy of the annuitant or the joint life expectancy of the annuitant and his contingent annuitant, as determined on the Benefit Commencement Date.

Any distribution from the Plan payable over a period of more than one year can only be made in substantially nonincreasing amounts paid not less frequently than annually.

- 5.03 Failure to Elect: If a Participant or Beneficiary fails to elect a form of payment before 30 days preceding the Benefit Commencement Date, his Deferred Compensation Account shall be paid:
  - (a) as a lump sum, if the benefit is payable on account of the Participant's death, or
  - (b) as a life annuity for a single Participant or as a Joint and 50% Survivor Annuity for a married Participant with his spouse as the contingent annuitant.

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However, notwithstanding the above, if the recipient does not cash the lump-sum benefit check paid pursuant to (a) above, or the initial benefit check paid pursuant to (b) above, he may, within 30 days of its receipt, return the check to the issuer and request another form of benefit payment as set forth in the Plan. Such benefit payment shall be retroactive to his Benefit Commencement Date.

#### SECTION 6 BENEFICIARIES

- 6.01 Designation: A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, in writing. Such designation, amendment or revocation shall be effective upon receipt by the Employer. Notwithstanding the foregoing, a Participant who elects payment in the form of a joint and survivor annuity may not elect a nonspouse joint annuitant, and may not change his joint annuitant after payments commence.
- 6.02 Failure to Designate a Beneficiary: If no designated Beneficiary survives the Participant and benefits are payable following the Participant's death, the Employer may direct that payment of benefits be made to the Participant's estate.

#### SECTION 7 PLAN ADMINISTRATION

- 7.01 Plan Administration: The Plan Administrator shall have responsibility for the operation and administration of the Plan and shall direct payment of Plan benefits. The Employer shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan and to delegate ministerial duties and employ such outside professionals as may be required for prudent administration of the Plan. The Plan Administrator shall also have authority to enter agreements on behalf of the employer necessary to implement this Plan. The members of the Plan Administrator, if otherwise eligible, may participate in this Plan, but shall not be entitled to make decisions solely with respect to their own participation.
- 7.02 Ownership of Assets: All amounts deferred under this Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property or rights shall remain (until made available to the Participant or Beneficiary) solely the property and rights of the Employer (without being restricted to the provision of benefits under the Plan) and shall be subject to the claims of the Employer's general creditors.
- 7.03 Plan-to-Plan Transfers: Notwithstanding any other Plan provision, distribution of amounts deferred by a former Participant of this Plan shall not commence upon Separation from Service, but instead shall be automatically transferred to another Deferred Compensation Plan, of which the former Participant has become a Participant, if:
- (a) the plan receiving such amounts provides for their acceptance, and
  - (b) a Participant Separates from Service with the Employer in order to accept employment with another entity eligible to sponsor a plan pursuant to Code Section 457.

This Plan will accept the transfer of amounts previously deferred by a Participant under another Deferred Compensation Plan.

- 7.04 Investments: Deferrals shall be invested by the Employer in either a fixed group annuity contract or a variable group annuity contract issued by American United Life Insurance Company. A Participant may request that their Deferrals be allocated among available investment options established by the Plan Administrator and that are available to them under the above group annuity contracts. The initial allocation request must be made at the time of enrollment. Investment allocation requests shall remain effective with regard to all subsequent Deferrals, until changed in accordance with the provisions of this section. A Participant may change his allocation request by notifying the Employer in writing on a form provided by the Employer. Such changes shall become effective as soon as administratively feasible. While the Employer intends to invest Deferrals according to the Participant requests, it reserves the right to invest Deferrals without regard to such requests.

#### SECTION 8 AMENDMENT AND TERMINATION

- 8.01 Amendment: The Employer shall have the right to amend this Plan, at any time and from time to time, in whole or in part. The Employer shall notify each Participant in writing of any Plan Amendment.

- 8.02 Termination: Although the Employer has established this Plan with a bona fide intention and expectation to maintain the Plan indefinitely, the Employer may terminate or discontinue the Plan in whole or in part at any time without any liability for such termination or discontinuance. Upon Plan termination, all Deferrals shall cease. The Employer shall retain all Deferrals until each Participant Separates from Service or incurs a Hardship and benefits commence pursuant to Sections 5.01 and 5.02.

SECTION 9  
MISCELLANEOUS

- 9.01 Limitation of Rights; Employment Relationship: Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving a Participant or other person any legal or equitable right against the Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.
- 9.02 Limitation on Assignment: Benefits under this Plan may not be assigned, sold, transferred, or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's interest in benefits under the Plan shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.
- 9.03 Representations: The Employer does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will result from participating in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his participation. Furthermore, the Employer does not represent or guarantee successful investment of Deferrals, and shall not be required to repay any loss which may result from such investment or lack of investment.
- 9.04 Severability: If a court of competent jurisdiction holds any provisions of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.
- 9.05 Applicable Law: This Plan shall be construed in accordance with applicable federal law and, to the extent otherwise applicable, the laws of the State of Indiana.
- 9.06 Pronouns: Whenever the context so requires, the plural includes the singular, the singular the plural, and the masculine the feminine.

This Plan was approved by City-County Council Proposal 473, 1990, and adopted in accordance with the provisions of Sections 23-43--23-48 of the Code of Indianapolis and Marion County, Indiana.

PROPOSAL NO. 497, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 497, 1990 on September 5, 1990. The proposal transfers and appropriates \$50,000 for the Department of Administration, Legal Division, to pay for outside counsel and court reporting expenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor McGrath, for adoption. Proposal No. 497, 1990, was adopted on the following roll call vote; viz:

*23 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Golc, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West, Williams*

*0 NAYS:*

*5 NOT VOTING: Borst, Dowden, Hawkins, Irvin, Solenberg*

*1 NOT PRESENT: Clark*

Proposal No. 497, 1990, was retitled FISCAL ORDINANCE NO. 93, 1990 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE.NO. 93, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional Fifty Thousand Dollars (\$50,000) in the Consolidated

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County Fund for purposes of the Department of Administration Legal Division and reducing certain other appropriations for that department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of The Department of Administration City Legal Division to pay for additional contractual attorney and court reporter expenses. This increase is due to a 100% turnover in personnel that has precipitated a shortage of experienced litigation staff attorneys.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) 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>DEPARTMENT OF ADMINISTRATION, LEGAL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services & Charges	<u>\$50,000</u>
TOTAL INCREASE	\$50,000

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

<u>DEPARTMENT OF ADMINISTRATION, LEGAL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>\$50,000</u>
TOTAL REDUCTION	\$50,000

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

PROPOSAL NO. 498, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 498, 1990 on September 5, 1990. The proposal authorizes the lease of up to 8,000 square feet of storage space located outside the City-County Building. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Moriarty, for adoption. Proposal No. 498, 1990, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Dowden, Hawkins, Solenberg*

1 NOT PRESENT: *Clark*

Proposal No. 498, 1990, was retitled SPECIAL RESOLUTION NO. 54, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1990

A SPECIAL RESOLUTION authorizing the lease of up to 8,000 square feet of storage space outside of the City-County Building, Indianapolis, Indiana, for the Department of Administration and other City departments and County officials and agencies.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the lease of additional space and hereby determines the lease of up to 8,000 square feet of storage space for the use of the Department of Administration and other City departments and County officials and agencies is necessary.

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

PROPOSAL NO. 499, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 499, 1990 on September 5, 1990. The proposal authorizes the lease of 1,637 square feet of office space for the Sheriff's Department located at 700 North High School Road. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Rhodes stated that after hearing testimony at the Committee hearing it was learned that the office space at 700 North High School Road is not large enough. Councillor Rhodes moved, seconded by Councillor Shaw, to strike. Proposal No. 499, 1990, was stricken by the following roll call vote, viz:

*19 YEAS: Borst, Boyd, Coughenour, Giffin, Gilmer, Golc, Hawkins, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Strader, West, Williams*

*8 NAYS: Brooks, Cottingham, Curry, Dowden, Durnil, Holmes, Irvin, Schneider*

*1 NOT VOTING: Solenberg*

*1 NOT PRESENT: Clark*

PROPOSAL NO. 500, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 500, 1990 on September 5, 1990. The proposal authorizes the Building Authority to conduct a study of space requirements for City and County governments and to form an advisory committee to investigate space needs. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Holmes, for adoption.

President SerVaas passed the gavel to Councillor West.

President SerVaas asked Councillor Rhodes if he would have any objection to an amendment to the proposal by adding a time frame of six months in which the study should be completed. Councillor Rhodes had no objection.

Councillor West returned the gavel to President SerVaas.

Councillor Gilmer moved, seconded by Councillor Howard, to amend Proposal No. 500, 1990 by adding "within six months of the passage of this proposal" at the end of Section 4. This motion passed by unanimous voice vote.

Proposal No. 500, 1990 was adopted on the following roll call vote; viz:

*25 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

*0 NAYS:*

*3 NOT VOTING: Borst, Dowden, Golc*

*1 NOT PRESENT: Clark*

Proposal No. 500, 1990, was retitled SPECIAL RESOLUTION NO. 55, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1990

A SPECIAL RESOLUTION authorizing the Indianapolis-Marion County Building Authority to conduct a study to determine the space needs of City and County officials, departments, and agencies; instructing the Authority

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to form an advisory committee composed of representatives of City and County government and the private sector to investigate City-County space needs; and directing the Authority to report to the City-County Council and the Mayor the results of the study and the Authority's recommendations concerning the City-County's space needs.

WHEREAS, the City-County Building can no longer adequately meet the space needs of City and County government; and

WHEREAS, the City and County have incurred and are incurring substantial rental costs for additional office and storage space outside of the City-County Building; and

WHEREAS, for these reasons the City and County must investigate alternative means of providing and allocating space to meet the current and anticipated needs of City and County government; and

WHEREAS, the Indianapolis-Marion County Building Authority (Authority) has been created under the provisions of IC 36-9-13-1 *et seq.* for the purpose of financing, acquiring, improving, constructing, reconstructing, renovating, equipping, operating, and leasing to governmental units within the boundaries of Marion County lands and buildings for public governmental purposes and has the requisite expertise to assist City and County government in conducting this space study; now, therefore:

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

SECTION 1. The City-County Council desires that a study be conducted of the space requirements of City and County government and that alternatives be investigated for providing and allocating space for City and County government outside of the present City-County Building.

SECTION 2. The City-County Council desires that the Authority undertake a study of the current and anticipated space requirements of City and County government and of alternatives for providing space outside of the City-County Building, including contracting with consultants to provide these services.

SECTION 3. The City-County Council instructs the Authority, as a part of the study of the space needs of City and County government, to form and consult with an advisory committee consisting of twelve (12) members as follows: Judge of the Circuit Court, the Presiding Judge of the Superior Courts, the Presiding Judge of the Municipal Courts, three (3) members appointed by the Mayor, the County Auditor, one (1) member of City-County Council appointed by President of the Council, a member of the Board of Trustees of the Authority selected by the Board, a member of the Board of Directors of the Authority selected by the Board, and two (2) members from the private sector selected by the Board of Directors of the Authority. The Chairman of the Advisory Committee shall be named by the Board of Directors of the Authority.

SECTION 4. The City-County Council directs the Authority to report the results of its space study and recommendations to the Mayor and City-County Council within six months of the passage of this proposal.

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

PROPOSAL NO. 501, 1990. Councillor Rhodes reported that the Administration Committee heard Proposal No. 501, 1990 on September 5, 1990. The proposal authorizes the participation of certain employees in the Public Employees' Retirement Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 501, 1990, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS:

2 NOT VOTING: *Golc, Hawkins*

1 NOT PRESENT: *Clark*

Proposal No. 501, 1990, was retitled SPECIAL RESOLUTION NO. 56, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1990

A SPECIAL RESOLUTION authorizing certain employees of the City of Indianapolis to join the Public Employees' Retirement Fund ("P.E.R.F").

WHEREAS, the City-County Council of Indianapolis and Marion County, on April 25, 1977 passed Special Resolution No. 5, 1977 authorizing certain employees of the City of Indianapolis not already covered by a state pension plan to be covered by the P.E.R.F.; and

WHEREAS, the Council now desires to allow for the participation of certain other employees of the City in the P.E.R.F.; now, therefore:

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

SECTION 1. In addition to all employees and elected and appointed officials covered by Special Resolution No. 5, 1977, the City of Indianapolis elects for all employees described in Section 2 to become participants in the Public Employees' Retirement Fund as described in IC 5-10.3-2-1 et seq.

SECTION 2. The following employees are declared covered by the P.E.R.F.:

- A. All past and present permanent employees of the City of Indianapolis who were hired prior to July 1, 1982 and who occupied or occupy positions normally requiring performance of service of six hundred (600) or more hours during a year; and
- B. All past, present and future permanent employees of the City of Indianapolis who were hired after June 30, 1982 and who occupied or occupy positions normally requiring performance of service of one thousand (1000) or more hours during a year.

Participation of these employees in the P.E.R.F. shall date from July 1, 1978 or the employee's date of hire, whichever is later, and shall cover those periods of time during which the employees meet the minimum hour requirements listed above.

SECTION 3. The City, with respect to the employees described in Section 2, will make any required contributions to the retirement fund as established by IC 5-10.1-2. In addition, the City will make the 3% member's contribution described in IC 5-10.2-7-9 on behalf of the present and future employees who qualify under Section 2 from January 1, 1986, in the case of bi-weekly employees; January 1, 1987 in the case of union employees; or the employee's date of hire, whichever is later.

SECTION 4. Should any provision, section, paragraph, sentence, clause or any other portion of this resolution 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 resolution. To this end the provisions of this resolution are severable.

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

PROPOSAL NOS. 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521 and 522, 1990. President SerVaas asked for consent to vote on the twelve transportation proposals together. Consent was given. PROPOSAL NO. 511, 1990. The proposal amends the Code by authorizing intersection controls at Grandview Drive and Westlane Road. PROPOSAL NO. 512, 1990. The proposal amends the Code by authorizing intersection controls at various locations. PROPOSAL NO. 513, 1990. The proposal amends the Code by authorizing intersection controls at DeQuincy St. and Kessler View Dr., Kessler View Dr. and Emerson Way, and Kessler View Dr. and Linwood Dr. PROPOSAL NO. 514, 1990. The proposal amends the Code by authorizing intersection controls at Township Line Road and 79th Street. PROPOSAL NO. 515, 1990. The proposal amends the Code by authorizing intersection controls at Shore Drive and 38th Street. PROPOSAL NO. 516, 1990. The proposal amends the Code by authorizing parking restrictions on a segment of 10th Street. PROPOSAL NO. 517, 1990. The proposal amends the Code by authorizing parking restrictions on a segment of White River Parkway, West Drive. PROPOSAL NO. 518,

1990. The proposal amends the Code by authorizing parking restrictions on Pierson Street from 16th Street to 17th Street. PROPOSAL NO. 519, 1990. The proposal amends the Code by authorizing parking restrictions on 29th Street from a point 100 feet west of Harding Street to a point 24 feet east of Harding Street. PROPOSAL NO. 520, 1990. The proposal amends the Code by authorizing a change in the weight limit restriction in the Lockerbie Square area. PROPOSAL NO. 521, 1990. The proposal amends the Code by authorizing a one-way traffic flow in an alley south of Sturm Avenue, west of State Avenue and east of Arsenal Avenue. PROPOSAL NO. 522, 1990. The proposal amends the Code by authorizing a 70-foot loading zone at 2 West Washington Street. Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521 and 522, 1990 on September 5, 1990. By a 4-0 vote, the Committee reported the Proposal Nos. 511, 512, 513, 514 and 519, 1990 to the Council with the recommendation that they do pass, and by a 5-0 vote, the Committee reported the Proposal Nos. 515, 516, 517, 518, 520, 521 and 522, 1990 to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption. Proposal Nos. 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521 and 522, 1990, were adopted on the following roll call vote; viz:

- 26 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*  
 0 NAYS:  
 2 NOT VOTING: *Golc, Holmes*  
 1 NOT PRESENT: *Clark*

Proposal No. 511, 1990, was retitled GENERAL ORDINANCE NO. 112, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 112, 1990

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10, Pg. 3	Grandview Dr. Westlane Dr.	Westlane Rd.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10, Pg. 3	Grandview Dr. & Westlane Rd.	None	Signal

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

Proposal No. 512, 1990, was retitled GENERAL ORDINANCE NO. 113, 1990, and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 113, 1990

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 5	Hague Rd. and 86th St.	Hague Rd.	Stop
9, Pg. 2	Guion Rd. and 52nd St.	Guion Rd.	Stop
13, Pg. 2	Creek Ridge Trail and Fall Creek Rd.	None	None
13, Pg. 3	Fall Creek Rd. and Wildridge Rd.	None	None
15, Pg. 2	Dandy Trail and 38th St.	Dandy Trail	Stop
24, Pg. 12	Michigan St. and White River Pkwy., E. Dr.	None	Signal
24, Pg. 13	New York St. and White River Pkwy., E. Dr.	New York St.	Stop
24, Pg. 16	White River Pkwy., E. Dr. and 10th St.	10th St.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 5	Hague Rd. and 86th St.	None	Stop
9, Pg. 2	Guion Rd. and 52nd St.	None	Stop
13, Pg. 2	Creek Ridge Trail and Fall Creek Rd.	Fall Creek Rd.	Stop
13, Pg. 3	Fall Creek Rd. and Wildridge Rd.	Fall Creek Rd.	Stop
15, Pg. 1	Bay Head Dr. and 38th St.	38th St.	Stop
15, Pg. 2	Dandy Trail and 38th St.	Dandy Trail (NEB) and 38th St.	Stop
24, Pg. 11	Limestone St. and Porto Alegre St.	Limestone St.,	Stop

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24, Pg. 11	Michigan St. and Porto Alegre St.	None	Signal
24, Pg. 13	Porto Alegre St. and 10th St.	10th St.	Stop

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

Proposal No. 513, 1990, was retitled GENERAL ORDINANCE NO. 114, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 114, 1990

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 3	DeQuincy St. and Kessler View Dr.	None	None
12, Pg. 5	Kessler View Dr. and Linwood Dr.	None	None
12, Pg. 5	Kessler View Dr. and Millersville Rd.	Millersville Rd.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 3	DeQuincy St. and Kessler View Dr.	Kessler View Dr.	Stop
12, Pg. 5	Kessler View Dr. and Emerson Way	Emerson Way	Stop
12, Pg. 5	Kessler View Dr. and Linwood Dr.	Linwood Dr.	Stop

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

Proposal No. 514, 1990, was retitled GENERAL ORDINANCE NO. 115, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 115, 1990

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

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

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

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<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3, Pg. 8	Township Line Rd. and 79th St.	None	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3, Pg. 8	Township Line Rd. and 79th St.	None	Signal

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

Proposal No. 515, 1990, was retitled GENERAL ORDINANCE NO. 116, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 116, 1990

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 4	Shore Dr. and 38th St.	38th St.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 4	Shore Dr. and 38th St.	None	Signal

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

Proposal No. 516, 1990, was retitled GENERAL ORDINANCE NO. 117, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 117, 1990

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

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

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

Tenth Street, on the north side, from  
Parker Avenue to a point 45 feet  
east of Parker Avenue

September 10, 1990

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

Proposal No. 517, 1990, was retitled GENERAL ORDINANCE NO. 118, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 118, 1990

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

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

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

White River Parkway, West Drive, on  
both sides, from Washington Street to a  
point 825 feet north of the 10th Street edgeline

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

Proposal No. 518, 1990, was retitled GENERAL ORDINANCE NO. 119, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 119, 1990

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

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

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

Pierson Street, on both sides, from  
Sixteenth Street to Seventeenth Street

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

Proposal No. 519, 1990, was retitled GENERAL ORDINANCE NO. 120, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 120, 1990

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

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

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

Twenty-ninth Street, on the south side, from  
a point 100 feet west of Harding Street  
to a point 24 feet east of Harding Street

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

Proposal No. 520, 1990, was retitled GENERAL ORDINANCE NO. 121, 1990, and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 121, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the deletion of the following, to wit:

10,000 POUNDS GROSS WEIGHT

Lockerbie Street, from East Street to College Avenue

Park Avenue, from New York Street to Vermont Street

Vermont Street, from East Street to College Avenue

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Lockerbie Street, from East Street to College Avenue

Park Avenue, from New York Street to Michigan Street

Vermont Street, from East Street to College Avenue

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

Proposal No. 521, 1990, was retitled GENERAL ORDINANCE NO. 122, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 122, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, One-way streets and alleys.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-166, One-way streets and alleys, be, and the same is hereby amended by the addition of the following, to wit:

WESTBOUND

An alley, being the first south of  
Sturm Avenue, from  
the first alley west of State Avenue  
to the first alley east of Arsenal Avenue

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

Proposal No. 522, 1990, was retitled GENERAL ORDINANCE NO. 123, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 123, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

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

September 10, 1990

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-331, Passenger and materials loading zones, be, and the same is hereby amended by the addition of the following, to wit:

Washington Street, on the north side, from  
a point 120 feet west of Meridian Street  
to a point 190 feet west of Meridian Street

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

### ANNOUNCEMENTS AND ADJOURNMENT

Robert G. Elrod, General Counsel for the City-County Council, read the following announcement:

This Council will hold a public hearing on Rezoning Petition 90-Z-61, Council Proposal No. 542, 1990, at its next regular meeting on September 24, 1990, 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 32.97 acres at 6102 East 86th Street from C-2 to C-4 to provide for commercial retail development.

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.

There being no further business, upon motion duly made and seconded, the meeting adjourned at 9:15 p.m.

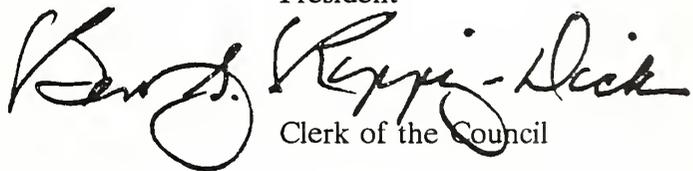
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 10th day of September, 1990.

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



President

ATTEST:



Clerk of the Council

(SEAL)