

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

**REGULAR MEETINGS
MONDAY, JUNE 13, 1994**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, June 13, 1994, with Councillor SerVaas presiding.

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

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 Chambers,

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on Monday, June 13, 1994, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

May 24, 1994

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, May 26, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 300, 301, 302, 303, 304 and 307, 1994, to be held on Monday, June 13, 1994, at 7:00 p.m., in the City-County Building.

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

**Proposal No. 300, 1994 was reprinted on Friday, June 3, 1994 due to an error on the part of the Indianapolis News.

May 26, 1994

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 Tuesday, May 31, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 313, 1994, to be held on Monday, June 13, 1994, at 7:00 p.m., in the City-County Building.

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

May 25, 1994

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, Suellen Hart, the following ordinances and resolutions:

GENERAL ORDINANCE NO. 76, 1994 - amending the Revised Code by making certain changes in the regulation of limousines and taxicabs

GENERAL ORDINANCE NO. 77, 1994 - amending the Code concerning payment of accrued compensatory time

GENERAL ORDINANCE NO. 78, 1994 - amending the Revised Code concerning the Marion County Information Services Board

GENERAL ORDINANCE NO. 79, 1994 - amending the Code by deleting one-way traffic flow on Pennsylvania Street between 30th Street and 28th Street; removing traffic signals at Pennsylvania Street and 30th Street and Pennsylvania Street and 29th Street; and authorizing no parking on Pennsylvania Street on the east side from 28th Street to 29th Street (District 22)

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GENERAL ORDINANCE NO. 80, 1994 - concerning leave benefits for City-County employees

FISCAL ORDINANCE NO. 36, 1994 - appropriating \$3,850,509 for the Marion County Office of Family and Children to pay the expenses of wards in institutions

FISCAL ORDINANCE NO. 37, 1994 - appropriating \$73,650 for the Superior Court, Criminal Division, Probation Department, to utilize a federal grant to computerize the department

FISCAL ORDINANCE NO. 38, 1994 - appropriating \$24,550 for the Superior Court, Criminal Division, Probation Department, to provide the 25% matching funds necessary for the federal grant awarded to the department to be used solely for computerization

FISCAL ORDINANCE NO. 40, 1994 - approving a new salary schedule for bi-weekly civilian employees

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994 - approving a new salary schedule for bi-weekly employees of the Police Special Service District

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994 - approving a new salary schedule for bi-weekly employees of the Fire Special Service District

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994 - approving a new salary schedule for bi-weekly employees of the Solid Waste Collection Special Service District

SPECIAL ORDINANCE NO. 8, 1994 - approving the issuance of (i) City of Indianapolis, Indiana, Health Care Facilities Revenue Refunding Bonds (FHA Insured Mortgage—Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994A in an amount not to exceed \$4,500,000, and (ii) City of Indianapolis, Indiana, Health Care Facilities Taxable Revenue Bonds (FHA Insured Mortgage—Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994B in an amount not to exceed \$400,000 to finance a skilled nursing home facility located at 5226 East 82nd Street

SPECIAL RESOLUTION NO. 39, 1994 - remembering Jacob M. "Jake" Greene

SPECIAL RESOLUTION NO. 40, 1994 - marking the 50th Anniversary of the June 6, 1944 Normandy Invasion

SPECIAL RESOLUTION NO. 41, 1994 - congratulating the Indiana Pacers

SPECIAL RESOLUTION NO. 43, 1994 - amending S.R. No. 78, 1993 by extending the expiration date on the Inducement Resolution through November 30, 1994 for Forest City Residential Development, Inc.

SPECIAL RESOLUTION NO. 45, 1994 - approving a public purpose grant in the amount of \$65,000 to Indiana University for the purpose of financing educational access cable television programming for Marion County

SPECIAL RESOLUTION NO. 46, 1994 - approving a salary administration plan for the City

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of May 23, 1994. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 346, 1994. This proposal, sponsored by Councillors Hinkle and Jimison, concerns United Way's "Day of Caring." Councillor Hinkle read the resolution and presented a copy of the document to Dobbie Smith, Volunteer Chair, 1994 United Way of Central

Indiana "Day of Caring"; Irv Katz, President, United Way of Central Indiana; and Sue McCaffrey, Director of Public Policy, United Way of Central Indiana. Ms. Smith and Mr. Katz both expressed appreciation for the recognition. Councillor Hinkle moved, seconded by Councillor McClamroch, for adoption. Proposal No. 346, 1994 was adopted by unanimous voice vote.

Proposal No. 346, 1994 was retitled SPECIAL RESOLUTION NO. 42, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 1994

A SPECIAL RESOLUTION concerning United Way's "Day of Caring."

WHEREAS, volunteerism is a strong tradition in the Indianapolis community and is essential to meet the needs of our most vulnerable citizens; and

WHEREAS, the United Way of Central Indiana exists as a conduit to link volunteer time and donated resources to those in need; and

WHEREAS, the United Way of Central Indiana supports 82 not-for-profit charitable organizations that provide essential health and human services to children and families in the Indianapolis community; and

WHEREAS, over 3,000 caring volunteers are needed to expand the 1994 "Day of Caring" to assist United Way agencies on Saturday, September 10, 1994, and Monday, September 12, 1994, with a variety of needed improvements which would otherwise be cost prohibitive, such as painting, landscaping, building play areas, helping children with disabilities and delivering meals; and

WHEREAS, United Way hopes to expand to more than 100 Central Indiana businesses that will generously donate some employees for a day so that they can volunteer for this year's Third Annual "Day of Caring;" 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 hereby recognizes the United Way of Central Indiana's "Day of Caring" as an important asset to the Indianapolis community, bringing volunteerism to new heights and furthering charitable efforts in our City.

SECTION 2. Councillors Hinkle and Jimison challenge each member of the City-County Council, Indianapolis city and county employees, businesses and all Indianapolis citizens to participate in the United Way's "Day of Caring" on Saturday, September 10, or Monday, September 12, 1994.

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

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

PROPOSAL NOS. 312 and 327, 1994. The President ruled that these two board appointments would be voted on together. By unanimous voice votes, the Committees reported the proposals to the Council with the recommendation that they do pass. PROPOSAL NO. 312, 1994. The proposal appoints Richard Payne to the Audit Committee. PROPOSAL NO. 327, 1994. The proposal appoints Larry L. Tunget to the Board of Public Works. Proposal Nos. 312 and 327, 1994 were adopted by unanimous voice vote.

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Proposal No. 312, 1994 was retitled COUNCIL RESOLUTION NO. 68, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 68, 1994

A COUNCIL RESOLUTION appointing Richard Payne to the Audit Committee.

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

SECTION 1. As a member of the Audit Committee, the Council appoints:

Richard Payne

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1997. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 327, 1994 was retitled COUNCIL RESOLUTION NO. 69, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 69, 1994

A COUNCIL RESOLUTION appointing Larry L. Tunget to the Board of Public Works.

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

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

Larry L. Tunget

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 328, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Comprehensive Zoning Maps of Marion County by updating base maps #5, #12 and #25"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 329, 1994. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the lease of Department of Parks and Recreation property commonly referred to as the Post Road Community Center"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 330, 1994. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$99,630 from the unappropriated balance in the County General Fund for the Presiding Judge of the Municipal Court to upgrade staff and equipment in order to be included in the Superior Civil case rotation--this appropriation will cover the salaries of 3 part-time commissioners and 3 full-time court reporters and the purchase of 3 recording machines"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 331, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$866,054 from revenues anticipated from a grant from the Indiana Department of Corrections for Community Corrections to cover operational expenses for fiscal year 1994-95 from the State and Federal Grants Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 332, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$199,877 from revenues anticipated from a grant from the Indiana Department of Corrections for Community Corrections to continue the Craine House Family Living Program for fiscal year 1994-95 from the State and Federal Grants Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 333, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$73,927 from revenues anticipated from a grant from the Indiana Department of Corrections for Community Corrections to continue the Juvenile Intensive Probation Services program for fiscal year 1994-95 from the State and Federal Grants Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 334, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$42,000 from revenues anticipated from a grant from the Indiana Department of Corrections for Community Corrections to pay Project Courage's executive director's salary for fiscal year 1994-95 from the State and Federal Grants Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 335, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$180,221 from revenues from home detention user fees in the Home Detention User Fee Fund for Community Corrections to cover operational expenses for fiscal year 1994-95"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 336, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$4,000 in the Home Detention User Fee Fund for the County Auditor to pay personal services fringes for Community Corrections for the remainder of the fiscal year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 337, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Northgate Street and Norwaldo Avenue (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 338, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a

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multi-way stop at Coffman Road and 72nd Street (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 339, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at 57th Street and Guilford Avenue (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 340, 1994. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Whitty Lane and 14th Street (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 341, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 30 minute parking restriction for College Avenue from 54th Street to a point 140 feet north of 54th Street (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 342, 1994. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions for Shelby Street on the westside, from Cameron Avenue to McDougal Street (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 343, 1994. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting parking restrictions on 16th Street from 185 feet west of Winton Street to 200 feet east of Winton Street (District 8)"; and the President referred it to the Capital Asset Management Committee.

[Clerk's Note: Proposal No. 344, 1994 was withdrawn.]

PROPOSAL NO. 345, 1994. Introduced by Councillors McClamroch, O'Dell, Rhodes and SerVaas. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION amending the 1994 schedule of regular council meetings"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 354, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION declaring the construction of the sixth and seventh floors to the Marion County Jail a necessity and directing the Indianapolis-Marion County Building Authority to proceed immediately with the financing and construction of the two additional floors to the Jail"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 355, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION amending the salary schedule for Marion County employees by adding a contingency range"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 323 and 324, 1994. The President ruled that these two extensions would be voted on together. PROPOSAL NO. 323, 1994. The proposal amends S.R. No. 84, 1990, as amended, by extending the expiration date for Meadows Revival, Inc. through December 31, 1994 (38th and Meadows Drive, District 11). PROPOSAL NO. 324, 1994. The proposal amends S.R. 72, 1990, as amended, by extending the expiration date for Homeward Partners, Inc. through December 31, 1994 (various Regional Center sites, Districts 16 and 20). Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 323 and 324, 1994 on June 1, 1994. By a 5-0-1 vote, the Committee reported the Proposal No. 323, 1994 to the Council with the recommendation that it do pass. By a 6-0 vote, the Committee reported the Proposal No. 324, 1994 to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption. Proposal Nos. 323 and 324, 1994 were adopted by unanimous voice vote.

Proposal No. 323, 1994 was retitled SPECIAL RESOLUTION NO. 47, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 1994

A SPECIAL RESOLUTION amending City-County Special Resolution No. 84, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 84, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Meadows Revival, Inc. (the "Company") which Inducement Resolution set an expiration date of June 30, 1994 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the city, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of June 30, 1994, contained therein and replacing said date with the date of December 31, 1994.

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

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

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Proposal No. 324, 1994 was retitled SPECIAL RESOLUTION NO. 48, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 1994

A SPECIAL RESOLUTION amending City-County Special Resolution No. 72, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 72, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Homeward Partners, Inc. (the "Company") which Inducement Resolution set an expiration date of June 30, 1994 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the city, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of June 30, 1994, contained therein and replacing said date with the date of July 31, 1994.

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

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

PROPOSAL NO. 325, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 325, 1994 on June 1, 1994. The proposal approves the execution of document amendments relating to the previously issued City of Indianapolis, Indiana Economic Development Refunding Revenue Bonds (Rand McNally & Comany Project), Series 1989 (3131 North Franklin Road, District 12). Councillor Borst explained that the Economic Development Revenue Bonds were issued in 1985 to Rand-McNally to renovate and add equipment to their facility. In 1989 the bonds were refunded with a clause added that the bonds would be mandatorily redeemed rather than remain outstanding if the facility was ever closed. Rand-McNally now plans to cease operations at the facility and asks to amend the bond documents to eliminate the mandatory redemption requirement and to allow the bonds to remain outstanding. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption.

Councillor Curry asked if the City is 100% assured that there will be no obligation on its part if Rand-McNally defaults. James T. Crawford, Jr., Counsel to the Indianapolis Economic Development Commission and Special Counsel to the City of Indianapolis, replied that these are revenue bonds and the City is not obligated to pay these bonds in the event the company

defaults. Councillor Curry asked if there is a letter of credit that will stand behind the payment of these bonds by Rand-McNally. Mr. Crawford responded in the affirmative.

Councillors Ruhmkorff, O'Dell and Gilmer voiced their opposition to this proposal.

Councillors Franklin and Short both stated that Rand-McNally has been a good corporate citizen and expressed their support of the proposal.

Proposal No. 325, 1994 was adopted on the following roll call vote; viz:

21 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Jones, McClamroch, Mullin, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

4 NAYS: Gilmer, Hinkle, O'Dell, Ruhmkorff

3 NOT VOTING: Black, Giffin, Moriarty Adams

1 NOT PRESENT: Jimison

Proposal No. 325, 1994 was retitled SPECIAL ORDINANCE NO. 9, 1994 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1994

A SPECIAL ORDINANCE authorizing the execution and delivery of a First Supplemental Trust Indenture amending the Trust Indenture relating to the economic development refunding revenue bonds (Rand McNally & Company Project), Series 1989 of the City of Indianapolis, Indiana; authorizing the execution and delivery of a First Amendment to Loan Agreement and authorizing other related matters pertaining to said bonds.

WHEREAS, the City of Indianapolis, Indiana, a municipal corporation and political subdivision (the "Issuer"), acting by and through its City-County Council, authorized the execution and delivery of a Trust Indenture dated as of December 1, 1989 (the "Original Indenture"), between the Issuer and NBD Bank, N.A. (as successor to INB National Bank), as Trustee (the "Trustee"), to secure a series of Economic Development Refunding Revenue Bonds (Rand McNally & Company Project), Series 1989 of the Issuer (the "Bonds"); and

WHEREAS, all terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the Original Indenture; and

WHEREAS, Rand McNally & Company (the "Company") desires to amend certain provisions of the Original Indenture and of the Loan Agreement dated as of December 1, 1989 (the "Original Agreement"), between the Company and the Issuer, to modify the redemption provisions with respect to the Bonds; and

WHEREAS, the Issuer is not aware of any default existing under the Original Indenture or under the Original Agreement; and

WHEREAS, the First Supplemental Trust Indenture dated as of June 1, 1994 (the "First Supplemental Indenture") between the Issuer and the Trustee, and the First Amendment to Loan Agreement dated as of June 1, 1994 (the "Amendment to Loan Agreement"), between the Company and the Issuer, in substantially final form, have been presented to and are before this meeting; and

WHEREAS, it is necessary and desirable to authorize the execution and delivery of the First Supplemental Indenture and the Amendment to Loan Agreement and to authorize the execution, authentication and delivery of amended Bonds to the Bondholder; NOW, THEREFORE:

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

SECTION 1. The form, terms and provisions of the First Supplemental Indenture in substantially the form submitted to this meeting are hereby approved, and the Mayor and the City Clerk of the Issuer are hereby authorized and directed to execute, acknowledge and deliver the First Supplemental Indenture on behalf of the

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Issuer, with such changes therein as shall be approved by such officers, the execution of such document by such officers to constitute conclusive evidence of such approval, and the City Clerk of the Issuer is hereby authorized and directed to affix to the First Supplemental Indenture the official seal of the Issuer.

SECTION 2. The form, terms and provisions of the Amendment to Loan Agreement in substantially the form submitted to this meeting are hereby approved, and the Mayor and the City Clerk of the Issuer are hereby authorized and directed to execute, acknowledge and deliver the Amendment to Loan Agreement on behalf of the Issuer, with such changes therein as shall be approved by such officers, the execution of such document by such officers to constitute conclusive evidence of such approval, and the City Clerk of the Issuer is hereby authorized and directed to affix to the Amendment to Loan Agreement the official seal of the Issuer.

SECTION 3. The Mayor and the City Clerk of the Issuer are hereby authorized and directed to execute and deliver amended forms of the Bonds, in substantially the form set forth in the Original Indenture, as amended by the First Supplemental Indenture (the "*Amended Bonds*"), with necessary or appropriate variations, omissions and insertions as permitted or required by the Indenture, and to request and direct the Trustee to authenticate and deliver the Amended Bonds to the Bondholder upon surrender of the Bonds in their present form to the Trustee for cancellation. The Amended Bonds will be payable solely from the payments made by the Company pursuant to the Amendment to the Loan Agreement and as otherwise provided in the above described First Supplemental Indenture and shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Mayor and the City Clerk of the Issuer are hereby empowered and directed to execute, acknowledge and deliver all documents and other instruments which may be required under the terms of the First Supplemental Indenture and this Special Ordinance, including, if the Remarketing Agent, First Chicago Capital Markets, Inc., Chicago, Illinois, deems necessary, a supplement to the Private Placement Memorandum, or any other necessary form of disclosure with respect to the Bonds, as amended.

SECTION 5. The changes which the Mayor and City Clerk of the Issuer may make to the First Supplemental Indenture, Amendment to Loan Agreement and the Amended Bonds may be, in accordance with Indiana Code 36-7-12-25(c), made without further approval of the Indianapolis Economic Development Commission or this City-County Council if such changes do not affect the matters set forth in Indiana Code 36-7-12-27(a)(1) through (a)(10). Additionally, the authorizations and directions contained herein for the Mayor and City Clerk of the Issuer to execute the documents referenced in Sections 1 through 4 of this Special Ordinance are conditioned upon obtaining any consents of other parties which may be required by the Original Indenture and the Original Agreement.

SECTION 6. The provisions of this Special Ordinance are hereby declared to be separable, and if any section, phrase or provision shall be for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

SECTION 7. That all ordinances, orders, resolutions and parts thereof in conflict herewith are hereby superseded to the extent of such conflict.

SECTION 8. This Special Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 326, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 326, 1994 on June 1, 1994. The proposal approves an inducement resolution for the Jewish Federation of Greater Indianapolis in an amount not to exceed \$9,000,000 for the acquisition, renovation, construction and equipping of the Jewish Federation's existing facilities [which are leased to the Jewish Community Center Association of Indianapolis, Incorporated (the "JCCA")] to create additional classrooms, storage, office facilities and new programming opportunities for early childhood education, infant/toddler care and youth programming, as well as renovation for compliance with the Americans with Disabilities Act and with environmental laws plus additional office facilities for the Jewish Federation (6701 Hoover Road, District 2). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 326, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Giffin, Moriarty Adams*

1 NOT PRESENT: *Jimison*

Proposal No. 326, 1994 was retitled SPECIAL RESOLUTION NO. 49, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 1994

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;

WHEREAS, the Jewish Federation of Greater Indianapolis, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, renovation, installation and equipping of the Applicant's existing facilities located at 6701 Hoover Road, Indianapolis, Indiana [which are leased to the Jewish Community Center Association of Indianapolis, Incorporated (the "JCCA")] to create additional classrooms, storage, office facilities and new programming opportunities for early childhood education, infant/toddler care and youth programming, as well as certain renovation for compliance with the Americans with Disabilities Act and with environmental laws plus additional office facilities for the Applicant; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (sixteen (16) full-time plus twenty-three (23) part-time jobs at the end of one year and three years plus the creation of a construction job payroll for approximately one hundred sixty (160) temporary construction jobs over the renovation period) and the creation of business opportunities to be achieved by the acquisition, construction, renovation, 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;

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

WHEREAS, it appears at this time that the acquisition, construction, renovation, installation and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention and creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention and creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Nine Million Dollars (\$9,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, renovation, installation and

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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, renovation, 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, renovation, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires December 31, 1994, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, renovation, 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 incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (TD 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

PROPOSAL NO. 347, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on June 10, 1994." The Council did not schedule Proposal No. 347, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 347, 1994 was retitled REZONING ORDINANCE NO. 68, 1994 and is identified as follows:

REZONING ORDINANCE NO. 68, 1994. 94-Z-61 (Amended) LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 5.
7902 NORTH COUNTY LINE ROAD (approximate address), CITY OF LAWRENCE.
THOMPSON LAND COMPANY, INC., by Thomas Michael Quinn, requests the rezoning of 80 acres. being in the D-A District, to the D-4 classification to provide for residential development.

PROPOSAL NOS. 348-352, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on June 10, 1994." The Council did not schedule Proposal Nos. 348-352, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 348-352, 1994 were retitled REZONING ORDINANCE NOS. 69-73, 1994 and are identified as follows:

REZONING ORDINANCE NO. 69, 1994. 94-Z-81 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 1.
9192 WALDEMAR ROAD (approximate address), INDIANAPOLIS.
RESORT CONDOMINIUMS INTERNATIONAL INC., by Philip A. Nicely, requests the rezoning of 1.1 acres, being in the D-2 District, to the C-2 classification to provide for construction of a day care center.

REZONING ORDINANCE NO. 70, 1994. 94-Z-83 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 17.
1505 WEST MORRIS STREET (approximate address), INDIANAPOLIS.
MUNDY REALTY, INC., by Thomas Michael Quinn, requests the rezoning of 1.54 acres, being in the C-4, C-5, C-1 and D-5 Districts, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 71, 1994. 94-Z-84 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 5.
9467 EAST 38TH STREET (approximate address), INDIANAPOLIS.
BOBBY GENE MITCHELL and BETTY SCOGGAN, by Thomas Michael Quinn, request the rezoning of 9.7 acres, being in the D-4 District, to the SU-1 classification to provide for church use.

REZONING ORDINANCE NO. 72, 1994. 94-Z-87 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 25.
111 WEST RAYMOND STREET (approximate address), INDIANAPOLIS.
JACK L. GREENE, by G. Thomas Blankenship, requests the rezoning of 2.63 acres, being in the I-2-S District, to the C-7 classification to provide for automotive and light truck repair and service.

REZONING ORDINANCE NO. 73, 1994. 94-Z-88 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 3.
3131 EAST 96TH STREET (approximate address), INDIANAPOLIS.
MARATHON OIL COMPANY, by Philip A. Nicely, requests the rezoning of 1.058 acres, being in the C-3 District, to the C-4 classification to provide for an existing gasoline service station with four bay service areas and an attached car wash.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 313, 1994. The proposal is a rezoning ordinance for Lawrence Township, Councilmanic District 4, 8010 North Shadeland Avenue (approximate address). Proposal No. 313, 1994 was certified by the Metropolitan Development Commission on May 20, 1994. On May 23, 1994 the Council voted to schedule a public hearing for June 13, 1994. The President reported that Robert G. Elrod, General Counsel, held a preliminary hearing with the respective attorneys for the petitioner and the remonstrators and that an agreement was reached; therefore, it is not necessary to have a public hearing on this matter. Proposal No. 313, 1994 was adopted by the following roll call vote; viz:

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

Proposal No. 313, 1994 was retitled as REZONING ORDINANCE NO. 74 and is identified as follows:

REZONING ORDINANCE NO. 74, 1994 94-Z-35 (Amended) LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 4.
8010 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

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LOWE'S HOME CENTERS, INC., by Thomas Michael Quinn, requests the rezoning of 14.935 acres, being in the D-A District, to the C-S classification to provide for development of a hardware/home improvement store.

PROPOSAL NO. 243, 1994. The proposal appropriates \$645,000 for the Sheriff to cover food expense for the jail inmates through the end of the year and to pay for inmate housing at the Riverside Community Corrections facility. Councillor Dowden asked for consent to postpone Proposal No. 243, 1994 until July 11, 1994. Consent was given.

PROPOSAL NO. 245, 1994. The proposal appropriates \$58,971 for Community Corrections to provide additional security to supervise an increased number of inmates being housed in the Community Corrections Center. Councillor Dowden asked for consent to postpone Proposal No. 245, 1994 until July 11, 1994. Consent was given.

PROPOSAL NO. 276, 1994. The proposal appropriates \$208,364 in the County General Fund for the County Coroner to (1) hire two additional full-time forensic pathologists and to retain a third for the purpose of performing postmortem examinations for Marion County and the surrounding counties, and (2) cover increased toxicology/histology costs. Councillor Rhodes moved, seconded by Councillor Short, to postpone Proposal No. 276, 1994 until June 27, 1994. This motion passed by unanimous voice vote.

PROPOSAL NO. 300, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 300, 1994 on June 6, 1994. The proposal transfers and appropriates \$2,768,358 for the Office of Youth and Family Services and appropriating \$10,962,505 for the Department of Administration, Workforce Development Division, to finance their 1994 budgets. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 300, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Golc

1 NOT PRESENT: Jimison

Proposal No. 300, 1994 was retitled FISCAL ORDINANCE NO. 41, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Thirteen Million Seven Hundred Thirty Thousand Eight Hundred Sixty-three Dollars (\$13,730,863) in the Consolidated County Fund for purposes of the Office of Youth and Family Services and the Department of Administration, Workforce Development Division, and reducing certain other appropriations for the Office of Youth and Family Services in the Youth and Family Services Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Office of Youth and Family Services and of the Department of Administration, Workforce Development Division, to finance their 1994 budgets.

SECTION 2. The sum of Thirteen Million Seven Hundred Thirty Thousand Eight Hundred Sixty-three Dollars (\$13,730,863) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF YOUTH AND FAMILY SERVICES</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	\$ 474,943
2. Supplies	8,700
3. Other Services and Charges	2,276,797
4. Capital Outlay	<u>7,918</u>
TOTAL INCREASE	\$ 2,768,358
<u>DEPARTMENT OF ADMINISTRATION WORKFORCE DEVELOPMENT DIVISION</u>	<u>WORKFORCE DEVELOPMENT FUND</u>
1. Personal Services	\$ 1,180,623
2. Supplies	2,900
3. Other Services and Charges	<u>9,778,982</u>
TOTAL INCREASE	\$10,962,505
GRAND TOTAL INCREASE	\$13,730,863

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

<u>OFFICE OF YOUTH AND FAMILY SERVICES</u>	<u>YOUTH AND FAMILY SERVICES FUND</u>
1. Personal Services	\$ 1,655,566
2. Supplies	11,600
3. Other Services and Charges	12,055,779
4. Capital Outlay	<u>7,918</u>
TOTAL REDUCTION	\$13,730,863

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

PROPOSAL NO. 301, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 301, 1994 on June 6, 1994. The proposal transfers and appropriates \$276,311 for the Office of the Controller, Revenue Enhancement Division, to finance its budget from July 1 through the end of the year and to purchase software and computer equipment. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Curry asked if a portion of this appropriation is new money. Councillor Rhodes answered in the affirmative.

Councillor Borst questioned what safeguards are in this system so that innocent people's accounts are not turned over to a collection agency. James H. Steele, Jr., City Controller, replied that it is incumbent upon the Revenue Enhancement Division to verify that the debts are delinquent.

The President called for public testimony at 8:07 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 301, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 301, 1994 was retitled FISCAL ORDINANCE NO. 42, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Hundred Seventy-six Thousand Three Hundred Eleven Dollars (\$276,311) in the Consolidated County Fund for purposes of the Office of the Controller, Revenue Enhancement Division, and reducing certain other appropriations for the Office of Corporation Counsel and Office of the Controller, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Office of the Controller, Revenue Enhancement Division, to finance its budget from July 1 through the end of the year and to purchase software and computer equipment.

SECTION 2. The sum of Two Hundred Seventy-six Thousand Three Hundred Eleven Dollars (\$276,311) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF THE CONTROLLER</u> <u>REVENUE ENHANCEMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	\$ 88,911
2. Supplies	3,500
3. Other Services and Charges	161,900
4. Capital Outlay	<u>22,000</u>
TOTAL INCREASE	\$276,311

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

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	\$ 13,840
 <u>OFFICE OF THE CONTROLLER</u>	
1. Personal Services	75,071
2. Supplies	500
3. Other Services and Charges	17,900
Unappropriated and Unencumbered Consolidated County Fund	<u>169,000</u>
TOTAL REDUCTION	\$276,311

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

PROPOSAL NO. 302, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 302, 1994 on May 31, 1994. The proposal transfers and appropriates \$645,060 for the Department of Metropolitan Development, Planning Division.

to fund federally-mandated transportation planning services, completion of neighborhood plans, implementation of economic development initiatives, and improvement of computer-aided systems and services. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:13 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Williams, for adoption. Proposal No. 302, 1994 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Borst, Gray, Schneider*

1 NOT PRESENT: *Jimison*

Proposal No. 302, 1994 was retitled FISCAL ORDINANCE NO. 43, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Six Hundred Forty-five Thousand Sixty Dollars (\$645,060) in the Metropolitan Development General Fund for purposes of the Department of Metropolitan Development, Planning Division, and reducing certain other appropriations for that division, and reducing the unappropriated and unencumbered balance in the Metropolitan Development General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Metropolitan Development, Planning Division, to fund federally-mandated transportation planning services, completion of neighborhood plans, implementation of economic development initiatives, and improvement of computer-aided systems and services.

SECTION 2. The sum of Six Hundred Forty-five Thousand Sixty Dollars (\$645,060) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT PLANNING DIVISION</u>	<u>METROPOLITAN DEVELOPMENT GENERAL FUND</u>
2. Supplies	\$ 18,484
3. Other Services and Charges	590,826
4. Capital Outlay	<u>35,750</u>
TOTAL INCREASE	\$645,060

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

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT PLANNING DIVISION</u>	<u>METROPOLITAN DEVELOPMENT GENERAL FUND</u>
1. Personal Services	\$ 68,314
Unappropriated and Unencumbered Metropolitan Development General Fund	<u>576,746</u>
TOTAL REDUCTION	\$645,060

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

PROPOSAL NO. 303, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 303, 1994 on May 31, 1994. The proposal transfers and appropriates \$7,053,270 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to fund 1994 HOME and HOPE3 programs. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider asked if the Department of Metropolitan Development (DMD) could give the Council a report as to what actually happens with these housing programs. Sherry Kohlmeyer, Project Administrator, Housing and Development Services Division, DMD, stated that a quarterly and an annual report is prepared for Housing and Urban Development (HUD) concerning the number of projected and completed units, which she will make available to the Council Office.

The President called for public testimony at 8:20 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Smith, for adoption. Proposal No. 303, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 303, 1994 was retitled FISCAL ORDINANCE NO. 44, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Seven Million Fifty-three Thousand Two Hundred Seventy Dollars (\$7,053,270) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development, Neighborhood and Development Services Division, and reducing certain other appropriations for that division, and reducing the unappropriated and unencumbered balance in the Redevelopment General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Neighborhood and Development Services Division, to fund 1994 HOME and HOPE3 programs.

SECTION 2. The sum of Seven Million Fifty-three Thousand Two Hundred Seventy Dollars (\$7,053,270) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT</u>
<u>NEIGHBORHOOD AND DEVELOPMENT SERVICES DIVISION</u>	<u>GENERAL FUND</u>
3. Other Services and Charges	<u>\$7,053,270</u>
TOTAL INCREASE	\$7,053,270

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

DEPARTMENT OF METROPOLITAN DEVELOPMENT
NEIGHBORHOOD AND DEVELOPMENT SERVICES DIVISION

REDEVELOPMENT
GENERAL FUND

4. Capital Outlay

\$ 375,000

Unappropriated and Unencumbered
Redevelopment General Fund

6,678,270

TOTAL REDUCTION

\$7,053,270

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

PROPOSAL NO. 304, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 304, 1994 on May 31, 1994. The proposal appropriates \$479,277 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to fund the Unsafe Building Program and a parking study in Broad Ripple Village. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams said that she supports the funding for the Broad Ripple Village parking study, but will have to vote against this proposal because she is opposed to appropriating funds for the Unsafe Building Program.

The President called for public testimony at 8:27 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Gilmer, for adoption. Proposal No. 304, 1994 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, McClamroch, Moriarty Adams, Mullin, Rhodes, SerVaas, Shambaugh, Short, Smith, West

10 NAYS: Black, Borst, Boyd, Coughenour, Gray, Jones, O'Dell, Ruhmkorff, Schneider, Williams

1 NOT PRESENT: Jimison

Proposal No. 304, 1994 was retitled FISCAL ORDINANCE NO. 45, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Four Hundred Seventy-nine Thousand Two Hundred Seventy-seven Dollars (\$479,277) in the Metropolitan Development General Fund for purposes of the Department of Metropolitan Development, Neighborhood and Development Services Division, and reducing the unappropriated and unencumbered balance in the Metropolitan Development General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Metropolitan Development, Neighborhood and Development Services Division, to fund the Unsafe Building Program (\$473,277) and a parking study for Broad Ripple Village (\$6,000).

SECTION 2. The sum of Four Hundred Seventy-nine Thousand Two Hundred Seventy-seven Dollars (\$479,277) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

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DEPARTMENT OF METROPOLITAN DEVELOPMENT NEIGHBORHOOD AND DEVELOPMENT SERVICES DIVISION	METROPOLITAN DEVELOPMENT GENERAL FUND
3. Other Services and Charges	\$479,277
TOTAL INCREASE	\$479,277

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

	METROPOLITAN DEVELOPMENT GENERAL FUND
Unappropriated and Unencumbered	
Metropolitan Development General Fund	\$479,277
TOTAL REDUCTION	\$479,277

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

PROPOSAL NO. 307, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 307, 1994 on May 25, 1994. The proposal appropriates \$37,595 for the Marion County Justice Agency to support the Indianapolis Challenge project, which involves coordinating comprehensive approaches to issues and problems concerning alcohol, tobacco and other drug abuse and the related violence in Marion County. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:30 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 307, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 307, 1994 was retitled FISCAL ORDINANCE NO. 46, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Thirty-seven Thousand Five Hundred Ninety-five Dollars (\$37,595) in the Drug Free Community Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Drug Free Community Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (ee) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to support the Indianapolis Challenge project, which involves coordinating comprehensive approaches to issues and problems concerning alcohol, tobacco and other drug abuse and the related violence in Marion County.

SECTION 2. The sum of Thirty-seven Thousand Five Hundred Ninety-five Dollars (\$37,595) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	\$16,438
2. Supplies	2,050
3. Other Services and Charges	14,787
4. Capital Outlay	720
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>3,600</u>
 TOTAL INCREASE	 \$37,595

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

	<u>DRUG FREE COMMUNITY FUND</u>
Unappropriated and Unencumbered	
Drug Free Community Fund	<u>\$37,595</u>
TOTAL REDUCTION	\$37,595

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NOS. 153 and 154, 1994. PROPOSAL NO. 153, 1994. The proposal appropriates \$98,296 for the Superior Court, Juvenile Division/Detention Center, to pay the first year of a three year lease/purchase arrangement with the Indiana Bond Bank for a computer upgrade. PROPOSAL NO. 154, 1994. The proposal appropriates \$24,091 for the Superior Court, Juvenile Division/Detention Center, to cover service charges on computers and to purchase one modem for the court. Councillor McClamroch asked for consent to return Proposal Nos. 153 and 154, 1994 to Committee. Consent was given.

PROPOSAL NO. 162, 1994. The proposal designates the east and west wings of the City-County Building for court facilities and approves securing those wings from unauthorized access. The President asked for consent to return Proposal No. 162, 1994 to Committee. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 214, 1994. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 214, 1994 on June 2, 1994. The proposal amends the Code concerning environmental public nuisances. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coughenour stated that due to unanswered questions on some of the amendments to Proposal No. 214, 1994, and after conferring with the General Counsel, she moved to divide Proposal No. 214, 1994 by separating the increases in abatement fees into a separate proposal to be numbered Proposal No. 353, 1994, as attached hereto, and to recommit the balance of Proposal No. 214, 1994 to the Public Works Committee for further public hearing. The President asked for consent on Councillor Coughenour's motion. Consent was given.

PROPOSAL No. 353, 1994. The proposal amends Sec. 30½-7 of the Code of Indianapolis and Marion County concerning abatement costs of environmental public nuisances. Councillor Coughenour reported that the Committee recommends do pass on this portion of Proposal No. 214, 1994.

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The President suggested that the Committee consider amending the Code so that DPW does not have to come back to Council to increase its fees due to the abatement of environmental public nuisances. Councillor Gilmer proposed that the Public Works Board be responsible for revising the charges.

Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 353, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 353, 1994 was retitled GENERAL ORDINANCE NO. 81, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 1994

A GENERAL ORDINANCE amending Sec. 30½-7 of the Code of Indianapolis and Marion County concerning abatement costs of environmental public nuisances.

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

SECTION 1. Sec. 30½-7 of the Code of Indianapolis and Marion County be, and is hereby, amended to read as follows:

Sec. 30½-7. Failure to abate after notice; abatement by city.

(a) *Abatement by city.* If, upon reinspection, it is determined by the authorized employee that abatement has not occurred, then the director of the department of public works, or his designee, may enter upon the premises and abate the environmental public nuisance. The occupant or owner shall be liable for the costs of abatement. After abatement is completed, the department of public works shall, either by personal service or first class United States mail, postage prepaid, send the occupant or owner a bill for the costs of abatement.

(b) *Responsibility of Occupant or Owner for Costs of Abatement.*

(1) *Abatement costs.* As reimbursement to the department of public works for its costs the owner or occupant shall, within ten (10) days of the date of the bill, pay to the department of public works of the city the following fees and charges:

a. The following administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing and mailing notices:

Administrative fees \$140.00

b. The following labor fees per person, per hour, or fraction thereof, for labor necessary to abate an environmental nuisance:

Laborer	\$18.00	<u>23.50</u>
Light equipment operator	20.50	24.25
Truck driver	20.50	24.25
Medium equipment operator		21.50
Heavy e Equipment operator	23.50	26.00
Crew leader	24.50	<u>27.25</u>

- c. The following equipment fees per machine, per hour, or fraction thereof, for the use of the each piece of equipment necessary to abate an environmental nuisance:

Pick-up truck	\$4.25	4.50
Tractor/bush hog	8.50	9.25
Boom truck	16.50	18.00
Backhoe	15.50	17.00
Dump truck (single axle)	17.50	19.00
Dump truck (tandem axle)	19.50	21.25
Packer 15.75	17.25	
Excavator	29.00	31.50
Dozer (small)	18.50	20.25
Dozer (large)	27.50	30.00
Loader 19.25	21.00	
Bobcat or equivalent	13.50	14.75

- d. Any ~~landfilling~~ disposal fees actually incurred to dispose of litter and waste products removed;
- e. Any other reasonable fees actually incurred in abating an environmental nuisance.
- (2) *[Hearing]*. An owner or occupant may request in writing an informal hearing before the director of the department of public works, or his designee, to dispute the existence of a violation and/or the accuracy of all or part of the costs of abatement billed. Upon receipt of a hearing request, the department shall not take abatement action until after the director or his designee notifies the property owner of his decision. After such hearing, the director of the department of public works, or his designee, shall determine the existence of a violation and/or the accuracy of all or part of the abatement costs billed and shall notify the property owner or occupant of any amounts due to the department. The decision of the director, or his designee, shall be final.
- (3) *Unpaid costs become lien upon affected property; perfecting of lien*. Upon the failure of the owner who was sent a notice of violation and bill to pay the appropriate fees and charges within the ten-day time period, the department of public works of the city shall have a lien upon the property on which the environmental public nuisance was abated for the amount billed in accordance with the fee schedule listed above. In addition, there will be a ten dollar (\$10.00) charge for services necessary in order to perfect such lien. Such liens may be perfected in the following manner:
- By the adoption by the board of public works at any regular or special meeting thereof of an assessment resolution, which shall give the name of the owner or owners, a description of the property on which the environmental public nuisance was abated, and the amount of the charges being assessed; and
 - The certification of such assessment resolution to the auditor of Marion County, who by special assessment shall cause the amount thereof to be placed on a tax duplicate for the property on which the environmental public nuisance was abated for collection as in the nature of a real property tax.
 - Upon receipt of a written verified request from the purchaser, the department shall release liens perfected after the recorded date of conveyance of the property. The request must state that the purchaser was not an owner or occupant of the property at the time of the notice of violation, had no knowledge of the notice of violation and has not been paid by the seller for the costs of abatement billed.
- (4) *Civil action to recover costs of abatement*. Upon the failure of the occupant or owner who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten-day period, the department of public works may bring a civil action in court against such occupant or owner to recover the amount billed, plus reasonable attorney's fees.

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

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

Councillor Coughenour announced that Title V Air Pollution Regulations will go into effect on June 28, 1994. Any Councillor who has any questions on these regulations should direct them to her or to Michael Stayton, Director of DPW, so they can be answered before the June 27, 1994 Council meeting.

PROPOSAL NO. 240, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 240, 1994 on June 7, 1994. The proposal, sponsored by Councillor Rhodes, amends the council rules concerning proposals for fiscal ordinances. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Rhodes, for adoption. Proposal No. 240, 1994, as amended, was adopted on the following roll call vote; viz:

20 YEAS: *Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West*

8 NAYS: *Black, Boyd, Brents, Golc, Gray, Jones, Short, Williams*

1 NOT PRESENT: *Jimison*

Proposal No. 240, 1994, as amended, was retitled GENERAL ORDINANCE NO. 82, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 1994

A GENERAL ORDINANCE amending the council rules concerning proposals for fiscal ordinances.

WHEREAS, during the mid-1970's, City-County Councillor Jack Patterson devised a statement concerning non-local tax funds that for several years thereafter was added to all council fiscal ordinances that involved non-local tax revenues; and

WHEREAS, the statement became known as the "Patterson Amendment"; and

WHEREAS, the statement is as follows:

This city-county council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor, or the auditor or controller, or both are directed to notify the city-county council in writing of such proposed loss of revenue; now, therefore:

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

SECTION 1. The Rules of the City-County Council, Chapter 151 of the Revised Code of the Consolidated City and County, be and is hereby amended, by inserting the language underlined in Sec. 151-64, to read as follows:

Sec. 151-64. Fiscal ordinances.

(a) No proposal for a fiscal ordinance shall be initiated unless approved by the proper fiscal officer of the city or county or unless that officer has been notified by the clerk of its receipt at least seven (7) days before introduction. Any proposal for a fiscal ordinance appropriating or transferring funds shall not be approved for introduction if any of the financial data or reports required by this Code are delinquent as to a fund which is the subject of such proposal.

(b) Any proposal for a fiscal ordinance (except the annual budgets) which appropriate the proceeds of any state, federal or private grant shall include substantially the following language:

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

(c) The digest of any proposal for a fiscal ordinance shall identify the fund appropriated including a statement of the revenue source for the appropriation.

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

PROPOSAL NO. 305, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 305, 1994 on May 25, 1994. The proposal transfers and appropriates \$400 for the Superior Court, Title IV-D Court, to purchase an IRMA Board, and repealing Fiscal Ordinance No. 33, 1994. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 305, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 305, 1994 was retitled FISCAL ORDINANCE NO. 47, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Four Hundred Dollars (\$400) in the County General Fund for purposes of the Superior Court, Title IV-D Court, and reducing certain other appropriations for that court, and repealing Fiscal Ordinance No. 33, 1994.

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

SECTION 1. City-County Fiscal Ordinance No. 33, 1994, having transferred appropriations between the wrong accounts, is hereby repealed.

SECTION 2. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (vv) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Title IV-D Court, to purchase an IRMA Board.

SECTION 3. The sum of Four Hundred Dollars (\$400) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 4. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, TITLE IV-D COURT</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	\$400
TOTAL INCREASE	\$400

SECTION 5. The said increased appropriation is funded by the following reductions:

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SUPERIOR COURT, TITLE IV-D COURT

COUNTY GENERAL FUND

2. Supplies
TOTAL REDUCTION

\$400
\$400

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

PROPOSAL NO. 306, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 306, 1994 on May 25, 1994. The proposal, sponsored by Councillor Golc, transfers and appropriates \$2,821 for the Marion County Drug Court to purchase five computer terminals. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Golc, for adoption. Proposal No. 306, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: *Jimison*

Proposal No. 306, 1994 was retitled FISCAL ORDINANCE NO. 48, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Thousand Eight Hundred Twenty-one Dollars (\$2,821) in the County General Fund for purposes of the Marion County Drug Court and reducing certain other appropriations for that court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (ww) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Drug Court to purchase five computer terminals.

SECTION 2. The sum of Two Thousand Eight Hundred Twenty-one Dollars (\$2,821) 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:

MARION COUNTY DRUG COURT

COUNTY GENERAL FUND

4. Capital Outlay
TOTAL INCREASE

\$2,821
\$2,821

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

MARION COUNTY DRUG COURT

COUNTY GENERAL FUND

3. Other Services and Charges
TOTAL REDUCTION

\$2,821
\$2,821

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

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Boyd stated that he has been asked to offer the following motions for adjournment by:

- (1) Councillors SerVaas, McClamroch and himself in memory of Dortha M. "Toni" Eakin,
- (2) Councillors Shambaugh and Hinkle in memory of Janet S. Kendall,
- (3) Councillor Beadling in memory of Patrick T. Moriarty, and
- (4) Councillor Beadling in memory of G. R. Dick-Baker.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Dortha M. "Toni" Eakin, Janet S. Kendall, Patrick T. Moriarty and G. R. Dick-Baker. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:53 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 13th day of June, 1994.

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)