

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

**REGULAR MEETINGS  
MONDAY, DECEMBER 11, 1995**

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 7:18 p.m. on Monday, December 11, 1995, with Councillor SerVaas presiding.

Councillor SerVaas 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, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, West, Williams*  
*1 ABSENT: Jones*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Black introduced Alice Ross, Caroline Farrar, Mary Walker, M.L. Coleman, and Helga Behroozi, friends from the Northside. Councillor Golc acknowledged the group from Stringtown whom he would be introducing concerning the feticide resolution.

**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 the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 11, 1995, 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

November 28, 1995

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on Thursday, November 30, 1995, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 724, 725, 753, 754, 756, 760, 761, 762, 763, and 782 to be held on December 11, 1995 at 7:00 p.m., in the City-County Building.

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

November 28, 1995

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 123, 1995: an appropriation of \$72,000 for the Department of Parks and Recreation, Golf Division, to pay for security fencing around the perimeter of the Coffin Golf Course financed by revenues from the Park General/Golf Fund

FISCAL ORDINANCE NO. 125, 1995: an appropriation of \$20,357 for the Prosecuting Attorney to purchase audio/visual equipment to be used in child abuse cases financed by a state grant

FISCAL ORDINANCE NO. 126, 1995: an appropriation of \$350,259 for the Community Corrections Agency to pay for home detention personnel, equipment, and supply expenses financed by revenues from the Home Detention User Fee Fund

FISCAL ORDINANCE NO. 127, 1995: an appropriation of \$128,134 for the Prosecuting Attorney to continue the Victim Advocate Project financed by state and federal grants

FISCAL ORDINANCE NO. 128, 1995: an appropriation of \$100,000 for the Department of Administration, Real Estate Division, for city- owned property management and maintenance financed by a transfer within the division's Consolidated County Fund

FISCAL ORDINANCE NO. 129, 1995: an appropriation of \$34,302 for the Office of Youth and Family Services to provide neighborhood-based primary health care services financed by a transfer within the agency's Consolidated County Fund

FISCAL ORDINANCE NO. 130, 1995: an appropriation of \$138,345 for the Department of Metropolitan Development, Divisions of Planning and Neighborhood and Development Services, to purchase computers, financed by transfers within the divisions' Metropolitan Development General Fund

December 11, 1995

FISCAL ORDINANCE NO. 131, 1995: reduces \$625,000 from the Department of Parks and Recreation's Park General Fund as part of the financing for the 1996 annual budget

GENERAL ORDINANCE NO. 202, 1995: amends the Revised Code pertaining to the Information Services Board, Agency

GENERAL ORDINANCE NO. 206, 1995: removes traffic signal at Morris Street and Union Street (Districts 16, 25)

GENERAL ORDINANCE NO. 207, 1995: removes traffic signal at Palmer Street and Union Street (District 25)

GENERAL ORDINANCE NO. 208, 1995: authorizes a multi-way stop at 68th Street and Riley Avenue (District 7)

GENERAL ORDINANCE NO. 209, 1995: authorizes a multi-way stop at Brookville Road and Worcester Avenue (District 15)

GENERAL ORDINANCE NO. 210, 1995: authorizes a multi-way stop at Caven Street and Kennington Street (District 21)

GENERAL ORDINANCE NO. 211, 1995: authorizes a multi-way stop at Drexel Avenue and 13th Street (District 15)

GENERAL ORDINANCE NO. 212, 1995: authorizes parking restrictions on Lafayette Road on both sides from 16th Street to I-65 (Districts 16, 8, 9, 1)

GENERAL ORDINANCE NO. 213, 1995: removes parking restrictions on Alabama Street from a point 70 feet south of St. Joseph Street to a point 50 feet north of St. Joseph Street (District 22)

SPECIAL RESOLUTION NO. 88, 1995: recognizes students Stephen Irons and Joseph "Joe" McIntosh

SPECIAL RESOLUTION NO. 89, 1995: recognizes the Ben Davis Cross Country Team State Champions

SPECIAL RESOLUTION NO. 90, 1995: recognizes Bob Gregory's Coats for Kids Program

SPECIAL RESOLUTION NO. 91, 1995: recognizing Reverend Dr. Andrew J. Brown

SPECIAL RESOLUTION NO. 92, 1995: amends S.R. No. 78, 1994, as amended, by extending the expiration date for Post Pointe Partners, Ltd, through June 30, 1996 at 9027 East 39th Place (District 14)

SPECIAL RESOLUTION NO. 93, 1995: an inducement resolution for Crossing Partners, L.P., in an amount not to exceed \$7,700,000 to proceed with the acquisition, renovation and equipping of the existing 240 unit multi-family residential rental facility located at 4000 North Franklin Road (District 12)

GENERAL RESOLUTION NO. 10, 1995: approves the issuance of Redevelopment District General Obligation Bonds not to exceed \$3,040,000

GENERAL RESOLUTION NO. 11, 1995: approves the issuance of Flood Control District General Obligation Bonds not to exceed \$2,060,000

GENERAL RESOLUTION NO. 12, 1995: approves the issuance of Sanitary District General Obligations Bonds not to exceed \$5,875,000

GENERAL RESOLUTION NO. 13, 1995: approves the issuance of Sanitary District Refunding Bonds not to exceed \$33,500,000

SPECIAL ORDINANCE NO. 18, 1995: authorizes the execution of an Assignment and Assumption of Loan Agreement and other related documents concerning the previously issued \$2 million City of Indianapolis Health Care Facility Revenue Bond, Series A (Castleton Nursing Home Project) at 7630 East 86th Street (District 4)

SPECIAL ORDINANCE NO. 19, 1995: authorizes the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$5 million for Pleasant Run Children's Homes, Inc. at 2400 North Tibbs Avenue (District 16)

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 THE JOURNAL**

The President called for additions or corrections to the Journal of November 20, 1995. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 804, 1995. The proposal, sponsored by Councillor Coughenour, recognizes Michael B. Stayton. Councillor Coughenour read the proposal and moved for its adoption. Councillor Giffin seconded the motion, and it was adopted by unanimous voice vote. Councillor Coughenour presented Mr. Stayton and his wife with Council pins and a copy of the resolution. Mr. Stayton expressed his appreciation for this tribute and thanked the Mayor, the Council, the employees of the Department of Public Works and his wife Carol for their support.

Proposal No. 804, 1995 was retitled SPECIAL RESOLUTION NO. 94, 1995, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 94, 1995**

A SPECIAL RESOLUTION recognizing Michael B. Stayton.

WHEREAS, Michael B. Stayton served as Director of the Indianapolis Department of Public Works from 1993 to 1995; and

WHEREAS, he is a graduate of Wabash College and George Washington University, and before coming to the Department of Public Works spent twenty years in the private sector with the Ford Motor Company and in the venture capital business in Toronto, New York and Indianapolis; and

WHEREAS, he managed Indianapolis' Enterprise Development Group which is the catalyst for the City's competitive initiatives; and

WHEREAS, Mr. Stayton was directly responsible for developing over \$50 million in competitive projects in the DPW, including the privatization of the City's two wastewater plants, and most recently managed the privatization of the Indianapolis International Airport in September; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the service of Michael B. Stayton as Director of the City's Department of Public Works.

SECTION 2. The Council wishes him well in his future endeavors.

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

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

PROPOSAL NO. 805, 1995. The proposal, sponsored by Councillors SerVaas, McClamroch and Boyd, recognizes the public service of Councillor Linda Beadling. Councillor McClamroch read the proposal and moved for its adoption. Councillor Curry seconded the motion, and Proposal No. 805, 1995 was adopted by unanimous voice vote.

Proposal No. 805, 1995 was retitled SPECIAL RESOLUTION NO. 95, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 95, 1995

A SPECIAL RESOLUTION recognizing the public service of Councillor Linda Beadling.

WHEREAS, maintaining a democracy rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective public office with its attendant commitments of self, time and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Linda Beadling has, with integrity and sincerity, served her constituents in the 5th District and the people of Indianapolis well from 1992 through 1995; and

WHEREAS, Councillor Beadling served as a valued member on several committees including Public Works, Capital Asset Management and Municipal Corporations; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the four (4) years of dedicated service given by Councillor Linda Beadling as a member of the Council.

SECTION 2. The Council, on behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Beadling, and encourages her continued active participation in the life of this community.

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

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

PROPOSAL NO. 806, 1995. The proposal, sponsored by Councillors SerVaas, McClamroch and Boyd, recognizes the public service of Councillor Ken Giffin. Councillor McClamroch read the proposal and moved for its adoption. Councillor Curry seconded the motion, and Proposal No. 806, 1995, was adopted by unanimous voice vote.

Proposal No. 806, 1995, was retitled SPECIAL RESOLUTION NO. 96, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 96, 1995

A SPECIAL RESOLUTION recognizing the public service of Councillor Ken Giffin.

WHEREAS, maintaining a democracy rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective public office with its attendant commitments of self, time and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Ken Giffin has, with integrity and sincerity, served his constituents in the 19th District and the people of Indianapolis well during interrupted terms from 1972 through 1995; and

WHEREAS, Councillor Giffin served as Chairman of the Parks and Recreation Committee, as a valued member of the Economic Development and Municipal Corporations Committees and in many other important posts; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the sixteen (16) years of dedicated service given by Councillor Ken Giffin as a member of the Council.

SECTION 2. The Council, on behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Giffin, and encourages his continued active participation in the life of this community.

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

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

PROPOSAL NO. 807, 1995. The proposal, sponsored by Councillors SerVaas, McClamroch, and Boyd, recognizes the public service of Councillor Z. Mae Jimison. Councillor Boyd read the proposal and moved for its adoption. Councillor Moriarty seconded the motion, and Proposal No. 807, 1995 was adopted by unanimous voice vote.

Proposal No. 807, 1995 was retitled SPECIAL RESOLUTION NO. 97, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 97, 1995

A SPECIAL RESOLUTION recognizing the public service of Councillor Z. Mae Jimison.

WHEREAS, maintaining a democracy rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective public office with its attendant commitments of self, time and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Z. Mae Jimison has, with integrity and sincerity, served her constituents in the 14th District and the people of Indianapolis well from 1992 through 1995; and

WHEREAS, Councillor Jimison served on the Council's important Public Safety and Criminal Justice, and Administration and Finance Committees, and won forty (40) percent of the most recent Mayoral vote; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the four (4) years of dedicated service given by Councillor Z. Mae Jimison as a member of the Council.

SECTION 2. The Council, on behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Jimison, and encourages her continued active participation in the life of this community.

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

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

PROPOSAL NO. 808, 1995. The proposal, sponsored by Councillors SerVaas, McClamroch, and Boyd, recognizes the public service of Councillor Timothy M. Mullin. Councillor Boyd

read the proposal and moved for its adoption. Councillor Moriarty seconded the motion, and Proposal No. 808, 1995 was adopted by unanimous voice vote.

Proposal No. 808, 1995 was retitled SPECIAL RESOLUTION NO. 98, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 98, 1995

A SPECIAL RESOLUTION recognizing the public service of Councillor Timothy M. Mullin.

WHEREAS, maintaining a democracy rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective public office with its attendant commitments of self, time and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Timothy M. Mullin has, with integrity and sincerity, served his constituents in the 20th District and the people of Indianapolis well from 1992 through 1995; and

WHEREAS, Councillor Mullin served on the Council's important Public Safety and Criminal Justice, Capital Asset Management and Economic Development Committees; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the four (4) years of dedicated service given by Councillor Timothy M. Mullin as a member of the Council.

SECTION 2. The Council, on behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Mullin, and encourages his continued active participation in the life of this community.

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

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

PROPOSAL NO. 809, 1995. The proposal, sponsored Councillors SerVaas, McClamroch, Boyd, and Coughenour, recognizes the public service of Councillor Stuart W. Rhodes. Councillor SerVaas read the proposal and moved for its adoption. Councillor Coughenour seconded the motion, and Proposal No. 809, 1995 was adopted by unanimous voice vote.

Proposal No. 809, 1995 was retitled SPECIAL RESOLUTION NO. 99, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 99, 1995

A SPECIAL RESOLUTION recognizing the public service of Councillor Stuart W. Rhodes.

WHEREAS, maintaining a democracy rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective public office with its attendant commitments of self, time and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Stuart W. Rhodes has, with integrity and sincerity, served his constituents in the 7th District and the people of Indianapolis well from 1980 through 1995; and

WHEREAS, Councillor Rhodes served as Chairman of the Council's important Administration and Finance Committee, and as a member of the Parks and Recreation and the Public Works Committees; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the sixteen (16) years of dedicated service given by Councillor Stuart W. Rhodes as a member of the Council.

SECTION 2. The Council, on behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Rhodes, and encourages his continued active participation in the life of this community.

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

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

PROPOSAL NO. 810, 1995. The proposal, sponsored by Councillors SerVaas, McClamroch, Boyd, and Coughenour, recognizes the public service of Councillor Stephen R. West. Councillor SerVaas read the proposal and moved for its adoption. Councillor Coughenour seconded the motion, and Proposal No. 810, 1995, was adopted by unanimous voice vote. Alice Ross and John Purcell, Northside neighborhood leaders, also voiced their appreciation for Councillor West's service to the community.

Proposal No. 810, 1995 was retitled SPECIAL RESOLUTION NO. 100, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 100, 1995

A SPECIAL RESOLUTION recognizing the public service of Councillor Stephen R. West.

WHEREAS, maintaining a democracy rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective public office with its attendant commitments of self, time and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, from 1972 through 1995 City-County Councillor Stephen R. West has, with integrity and sincerity, served his constituents well in the old 6th District and later countywide as an At-Large Councillor; and

WHEREAS, Councillor West has held the post of Majority Leader, has been serving as Chairman of the Council's important Metropolitan Development Committee, and as a member of the Public Safety and Criminal Justice and the Community Affairs Committees; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the twenty-four (24) years of hard working and dedicated service given by Councillor Stephen R. West as a member of the Council.

SECTION 2. The Council, on behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor West, and encourages his continued active participation in the life of this community.

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.

The President gave the departing Councillors an opportunity to respond. Each Councillor expressed appreciation for the recognition. Councillor Hinkle asked that the family and friends in attendance supporting these Councillors also stand and be recognized.

Councillor Boyd moved that the Indianapolis City-County Council send correspondence to the Mayor's office asking for the status of those administrative or cabinet level appointments in which the Council and the Mayor have partnership appointing responsibility, but which as of this date have not yet been consummated by the Council. These would include, but not necessarily be limited to, at least one or two deputy mayor positions, the head of the Department of Metropolitan Development, the Public Works and Capital Asset Management Department heads, the Director of Housing and the Director of the Parks Department. The motion was seconded by Councillor Williams and was adopted by unanimous voice vote.

PROPOSAL NO. 811, 1995. The proposal, sponsored by Councillors Golc and Mullin, urges the Legislature to increase the penalty for feticide. Councillor Golc introduced Melanie Knox and Kevin Elmore and explained the incident in which they were involved that prompted this proposal. Councillor Golc read the proposal and moved for its adoption. The motion was seconded by Councillor Mullin, and Proposal No. 811, 1995 was adopted by unanimous voice vote.

Proposal No. 811, 1995 was retitled SPECIAL RESOLUTION NO. 101, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 101, 1995

A SPECIAL RESOLUTION urging the Legislature to increase the penalty for feticide.

WHEREAS, feticide, as defined in IC 35-42-1-6, is when a person knowingly or intentionally terminates a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus, except an abortion performed in accordance with state law; and

WHEREAS, under current state law a conviction for committing such an action is designated as a Class C felony, which basically is a four (4) year prison term and a fine of up to ten thousand dollars (\$10,000); and

WHEREAS, in the opinion of many, feticide is a particularly heinous crime that is committed upon defenseless children in their earliest stages of life; and

WHEREAS, a more fair and equitable parity of crime versus punishment for conviction of feticide would be a Class A felony charge under IC 35-50-2-4, with its penalty of 30 years plus a fine; 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 and the people of Indianapolis hold such fundamentals as pregnancy, birth, life and civility in high regard, and in the particularly reprehensible category of feticide, urge the Indiana General Assembly to increase the penalty from its current Class C felony to a more fitting Class A felony classification.

SECTION 2. The Council directs that a copy of this Special Resolution be distributed to all Marion County Legislators and to the Governor.

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

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

PROPOSAL NO. 812, 1995. The proposal, sponsored by Councillor Borst, concerns Purdue University. Councillor Borst read the proposal and introduced Tom Carroll, President of the Purdue Association of Indianapolis and a member of the Board of Purdue Alumni Association, who expressed his appreciation on behalf of the University for this recognition. Councillor Borst moved, seconded by Councillor West, for adoption. Proposal No. 812, 1995 was adopted by unanimous voice vote.

Proposal No. 812, 1995 was retitled SPECIAL RESOLUTION NO. 102, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 102, 1995

A SPECIAL RESOLUTION concerning Purdue University.

WHEREAS, Purdue University is one of the nation's largest and finest institutions of higher education; and

WHEREAS, much of our city's and state's economic development success has had involvement of Purdue University; and

WHEREAS, Purdue University student athletes have some of the highest graduation rates in the country; and

WHEREAS, the men's and women's basketball teams are the two-time defending Big Ten champs, and are nationally ranked; and

WHEREAS, the Boilermaker Blockbuster will culminate Purdue University Week in Indianapolis with the men playing Texas Christian University and the women taking on the 1996 U.S. Women's Olympic Team at Market Square Arena on Saturday, December 16; 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 welcomes Purdue University to Indianapolis during the week of December 11-16, 1995.

SECTION 2. The Council recognizes Purdue for its local, state, national and international contributions.

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.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 775, 1995 Councillor Borst reported that the Economic Development Committee heard Proposal No. 775, 1995 on November 16, 1995 and again on December 7, 1995. The proposal is a special resolution for The Malachi Corporation, Inc., consenting to the City of Lawrence, Indiana issuing its economic development revenue bonds in an amount not to exceed \$6,500,000 for the acquisition, renovation and equipping of the four existing nursing homes located at 1747 North Rural Street, 901 North East Street, 1118 East 46th Street, and 1910 North Delaware Street (Districts 6, 22). By a 6-1 vote, the Committee reported the proposal to the Council for action without recommendation as amended.

Councillor Borst explained the steps The Malachi Corporation ("Corporation") had taken in first seeking bonds from the City of Indianapolis, and their learning of the City's strict policy regarding credit enhancement criteria. The Malachi Corporation would have to pay about \$200,000 to meet the criteria and still not be assured of being awarded the bonds. The Economic Development Commission ("Commission") recommended they go to someone else to seek the bonds; therefore, they went to the City of Lawrence who agreed to help based upon the Council's consent. Lawrence does not have the regulations that the City has. Councillor Borst detailed information about the nursing homes in particular and explained the Corporation's need for a revenue stream in order to subsidize their charity inner-city activities. He explained that the present management company for these nursing homes would stay in place for the next five years should Malachi be awarded the bonds.

Councillor Borst explained the votes taken by the Committee which had failed: 1) motion for Do Pass (failed 2-5), and 2) motion to Strike (failed, no second). The Committee voted to report the proposal to the Council for action without recommendation as amended by a 6-1 vote.

Councillor West asked to hear from James Crawford, Counsel to the Indianapolis Economic Development Commission, regarding the Commission's policy in referring projects like this to other communities. Mr. Crawford explained the credit analysis and the Commission's policy requiring some type of credit enhancement, such as a letter of credit or a bond insurer, in order to protect the bond holders. He explained that the Corporation feels they have sufficient debt coverage and stated that based on their numbers they did indeed have very good coverage. Mr. Crawford explained that the Corporation did not feel that they wanted to go to the extra expense to acquire the credit enhancement needed, but instead looked to see where else they could have bonds issued. The City of Lawrence has the authority to issue the bonds, and this resolution says that Indianapolis is consenting for the City of Lawrence to take a look at the bonds and decide whether or not they will issue the bonds.

Councillor West expressed his opinion that Indianapolis' policy should be changed. Mr. Crawford agreed that after these discussions, it would probably be re-evaluated.

Councillor Smith expressed his concern that the Corporation had submitted un-audited numbers and his fear that the money may leave Indianapolis and go to Chicago or New Orleans, where Malachi has other operations. He stated his understanding of Malachi's non-profit activities, but felt they were cutting corners and venturing into a new avenue, which does not make him feel comfortable with this project. Councillor Smith feels that Indianapolis' policy for some type of credit enhancement is valid and needed, and stated that he could not be in support of this project at this time.

Councillor Curry moved for adoption of Proposal No. 775, 1995, which was seconded by Councillor Boyd. Councillor Curry then referred to Councillor West's comments regarding questioning the City's policy and added that those policies and laws also provided that corporations could seek approval through other avenues. He asked the Council to consider three questions in determining their vote:

1. Would the Council be doing anything negative to the citizens of Marion County that they represent? (He feels they would not.)
2. Should the Council facilitate the meeting of a willing seller and a willing buyer, such that a business transaction can occur where it's been represented

that the current owner of the nursing homes wishes to sell and move on?  
(He feels that facilitating that is a good thing to do.)

3. In the course of that facilitation, is the Council maintaining a number of jobs and necessary nursing home beds in the community to provide service? (He feels that they would be.)

Councillor Black, whose district contains one of the nursing homes involved in this proposal, moved to table the proposal. The motion was seconded by Councillor Gray. Councillor Borst expressed his preference to vote against tabling due to this being the last meeting and the proposal dying as a result of tabling. He feels that if his vote was in err, he would rather err in the favor of this transaction, seeing that there was a buyer and a seller, than against it.

Councillor Franklin also expressed his concern that The Malachi Corporation had come to them with an un-audited financial statement. Councillor Williams stated that she did not want to vote against it because of her questions about the policy, but for the reasons outlined by other Councillors, she really does not feel comfortable voting for it either.

Mr. Crawford introduced Ted Esping, bond counsel for The Malachi Corporation, who responded to questions raised by Council members. Mr. Esping explained that the numbers they have presented are audited, in a far more significant manner than a normal audit. The nursing homes are not private-pay homes, and accurate financial statements must be submitted to Medicare and Medicaid administrators by State law. The industry recognizes the significance of Medicare/Medicaid examinations and audits, and an audit by a certified public accounting firm is not usually necessary. Mr. Esping added that the financial statements had in fact been audited by the underwriting firm that proposes to underwrite these securities. He explained that in response to the Commission's policy, Malachi investigated various credit enhancement agencies, principally LaSalle in Chicago, and received affirmation that Malachi's financing was fine from their perspective. The nursing homes are financially solid and can support this debt, and the coverage is viewed as better than average in this industry. Mr. Esping assured the Council that The Malachi Corporation is very serious about introducing their non-profit inner-city activities into the Indianapolis area, and that the revenue produced from the nursing homes most likely will remain in this City. Mr. Esping encouraged the Council to vote in favor of the proposal.

Councillor Gilmer stated that based on the proven management team and history of the actual nursing homes and the absence of liability to Indianapolis, he would support this proposal.

The President called for a vote on the motion to table. The motion failed on the following roll call vote; viz:

*14 YEAS: Beadling, Black, Boyd, Brents, Gray, Jimison, Mullin, O'Dell, Rhodes, Short, Smith, Tilford, West, Williams*

*14 NAYS: Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, McClamroch, Moriarty Adams, Schneider, SerVaas, Shambaugh*

*0 NOT VOTING:*

*1 ABSENT: Jones*

The President asked Mr. Crawford to begin negotiations in re-evaluating the City's policy regarding the requirement of credit enhancement in order to issue bonds.

The President called for a vote on the motion to adopt. Proposal No. 775, 1995, as amended, was adopted on the following roll call vote; viz:

*15 YEAS: Borst, Boyd, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hinkle, McClamroch, Moriarty Adams, Rhodes, Schneider, SerVaas, Shambaugh*

*13 NAYS: Beadling, Black, Brents, Franklin, Gray, Jimison, Mullin, O'Dell, Short, Smith, Tilford, West, Williams*

*0 NOT VOTING:*

*1 ABSENT: Jones*

Proposal No. 775, 1995 as amended, was retitled SPECIAL RESOLUTION NO. 103, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 103, 1995

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

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

WHEREAS, The Malachi Corporation, Inc. (the "Company"), has advised the Indianapolis Economic Development Commission and the City of Indianapolis, Indiana that it proposes that the City of Lawrence, Indiana either acquire certain economic development facilities and sell or lease the same to Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities consist of the acquisition, renovation and equipping of the following four existing nursing homes located in Indianapolis, Indiana (1747 North Rural Street), Riley Health Care (901 North East Street), Crestview Health Care (1118 East 46th Street) and Delaware Health Care (1910 North Delaware Street); the acquisition of machinery, equipment and furnishings for use in the facilities; and the acquisition, construction and installation of various site improvements at the facilities (the "Project");

WHEREAS, IC 36-7-12-22(a) provides that a unit of government and its economic development commission have jurisdiction under the Act throughout the county in which it is located both inside and outside the corporate boundaries of any municipality;

WHEREAS, IC 36-7-12-22(b) provides that ". . . economic development facilities that are to be located outside the corporate boundaries of a municipality may not be financed by the municipality without the consent of the fiscal body of the unit in which facilities are to be located;

WHEREAS, the Project to be financed by the City of Lawrence, Indiana is located within the boundaries of the City of Indianapolis, Indiana; and

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (one hundred forty-two (142) jobs) plus the creation of a construction job payroll and the creation of business opportunities to be achieved by the acquisition, renovation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the City of Indianapolis, Indiana and the City of Lawrence, Indiana; now, therefore:

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

SECTION I. As the fiscal body of the unit in which the facilities are to be located, it gives consent to the financing of the Project by the City of Lawrence, Indiana utilizing economic development revenue bonds issued pursuant to the Act by the City of Lawrence, Indiana in the approximate principal amount of Six Million Five Hundred Thousand Dollars (\$6,500,000) (the "Bonds"). This consent is expressly conditioned upon the Company entering into a binding agreement in which it agrees that it, or its assignees, will make tax payments or payments in lieu of taxes as if it were paying taxes for the tax assessment periods during which any of the Bonds (or refunding bonds for the Bonds) remain outstanding with such payments to be

equal to the real estate and personal property taxes which would be due on the Project if the Project was not owned by a 501(c)(3) entity.

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

PROPOSAL NO. 813, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 813, 1995 on December 7, 1995. The proposal amends S.R. No. 84, 1990 as amended, by extending the expiration date for Meadows Revival, Inc. through July 31, 1996 at 38th Street and Meadows Drive (District 11). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Golc, for adoption. Proposal No. 813, 1995 was adopted on the following roll call vote; viz:

*21 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, SerVaas, Shambaugh, Smith, Tilford, Williams*

*0 NAYS:*

*7 NOT VOTING: Beadling, Giffin, Gilmer, Rhodes, Schneider, Short, West*

*1 ABSENT: Jones*

Proposal No. 813, 1995 was retitled SPECIAL RESOLUTION NO. 104, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 104, 1995

A SPECIAL RESOLUTION amending City-County Special Resolution No. 80, 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. 80, 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 December 31, 1995 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, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 1995, contained therein and replacing said date with the date of July 31, 1996.

SECTION 2. The City-County Council further finds, determined, 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. 814, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 814, 1995 on December 7, 1995. The proposal authorizes the execution of a First Amendment to Trust Indenture and First Amendment to Loan Agreement concerning the previously issued \$12,300,000 City of Indianapolis, Indiana Multi-Family Housing Revenue Refunding Bonds (Canal Square Project) at 402 West New York Street (District 16). 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 Jones, for adoption. Proposal No. 814, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 814, 1995 was retitled SPECIAL ORDINANCE NO. 20, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 20, 1995

A SPECIAL ORDINANCE approving the execution of a First Amendment to Trust Indenture and a First Amendment to Loan Agreement relating to the previously issued City of Indianapolis, Indiana Multi-Family Housing Revenue Refunding Bonds (Canal Square Project) Series 1989 and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Act declares that the financing of economic development facilities and refunding of such financings 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 corporation for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, Bank One, Indianapolis, N.A., as Trustee (the "Trustee") and the City of Indianapolis, Indiana (the "Issuer") entered into a Trust Indenture dated as of January 1, 1989 (the "Original Indenture"), pursuant to which the Issuer issued and sold \$12,300,000 in principal amount of revenue bonds designated "Multi-Family Housing Revenue Refunding Bonds (Canal Square Project) Series 1989" (the "Bonds");

WHEREAS, the Issuer and Canal Square Limited Partnership, an Indiana limited partnership (the "Company") entered into a Loan Agreement dated as of January 1, 1989 (the "Original Loan Agreement"), pursuant to which the Issuer lent the Company the proceeds of the Bonds (the "Original Loan Agreement"); and

WHEREAS, the Issuer, the Company, the Trustee and Societe Generale, a Houston agency (the "Bank") desire to amend the Original Loan Agreement to permit the purchase of the Bonds in lieu of a redemption or an acceleration; and

WHEREAS, Sections 13.01 and 13.02 of the Original Indenture permits amendments to the Indenture with the consent of the Bank and the Company; and

WHEREAS, Section 13.03 of the Original Indenture permits amendments to the Loan Agreement with the consent of the Trustee and the Bank; and

WHEREAS, the Issuer and the Trustee will enter into a First Amendment to Trust Indenture dated as of December 1, 1995 (the "First Amendment to Trust Indenture") and the Issuer and the Company will enter into a First Amendment to Loan Agreement dated as of December 1, 1995 (the "First Amendment to Loan Agreement"); and

WHEREAS, the Indianapolis Economic Development Commission on December 6, 1995 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the First Amendment to Trust Indenture and First Amendment to Loan Agreement in the form presented at that meeting complies with the purposes and provisions of the Act and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the First Amendment to Trust Indenture and First Amendment to Loan Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; NOW, THEREFORE:

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

SECTION 1. It is hereby found that the execution of the First Amendment to Trust Indenture and First Amendment to Loan Agreement will be of benefit to the health and 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 First Amendment to Trust Indenture and First Amendment to Loan Agreement approved by the Indianapolis Economic Development Commission are hereby approved and 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 First Amendment to Trust Indenture and First Amendment to Loan Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the First Amendment to Trust Indenture and First Amendment to Loan Agreement 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 Mayor and City Clerk may by their execution of the First Amendment to Trust Indenture and First Amendment to Loan Agreement approve changes therein and also in any 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 Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 4. The Issuer authorizes and consents to the assignment by the Company of its interest in the Project, so long as the assignee assumes in writing all of the Company's obligations under the Original Loan Agreement and the Original Indenture.

SECTION 5. The provisions of this ordinance, the First Amendment to Trust Indenture and First Amendment to Loan Agreement shall constitute a contract binding between the City of Indianapolis and the parties to the First Amendment to Trust Indenture and First Amendment to Loan Agreement and after the execution of the First Amendment to Trust Indenture and First Amendment to Loan Agreement, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said First Amendment to Trust Indenture and First Amendment to Loan Agreement shall remain in effect.

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

PROPOSAL NO. 815, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 815, 1995 on December 7, 1995. The proposal authorizes the issuance of economic development revenue refunding bonds in an aggregate principal amount not to exceed \$19,000,000 for Lockefield Associates at Indiana Avenue from Blackford Street to Agnes Street (District 16). Chairman SerVaas noted for the record that Agnes Street should read University Boulevard. By a 7-0 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. 815, 1995 was adopted on the following roll call vote; viz:

Councillor Rhodes stated that he would abstain from voting due to a conflict of interest, as he is an investor in this project.

*25 YEAS: Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, Williams*

*0 NAYS:*

*NOT VOTING: Coughenour, Rhodes, West*

*1 ABSENT: Jones*

Proposal No. 815, 1995 was retitled as SPECIAL ORDINANCE NO. 21, 1995, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 21, 1995

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis Economic Development Revenue Refunding Bonds (Lockefield Associates Project), Series 1995A and City of Indianapolis Economic Development Revenue Refunding Bonds (Lockefield Associates Project), Taxable Series 1995B, in the total aggregate principal amount not to exceed Nineteen Million Dollars (\$19,000,000), 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") 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 corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, 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 an issuer and a corporate trustee; and

WHEREAS, the Issuer has heretofore issued its \$19,000,000 City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Lockefield Associates Project) (the "Original Bonds"), pursuant to a Trust Indenture, dated as of December 1, 1985 (the "Original Indenture"), between the Issuer and Bank One, Indianapolis, NA (as successor by merger to American Fletcher National Bank and Trust Company), as trustee (the "Original Trustee"), the proceeds of which were used to fund a loan (the "Original Loan") made to Lockefield Associates (the "Borrower") to provide permanent financing for a multifamily residential project (a portion of which is for rental to persons of low and moderate income) located along the south side of Indiana Avenue from Blackford Street at the east to Agnes Street at the west in Indianapolis, Indiana, known as Lockefield Apartments (the "Project");

WHEREAS, the Borrower has requested that the City of Indianapolis, Indiana (the "Issuer") provide for refinancing of the Project by providing for the refunding of the Original Bonds, and the Issuer has determined that such refinancing will preserve the Project as a multifamily residential project a portion of which is for rental to persons of low and moderate income and will be in the interest of the Issuer; and

WHEREAS, the Act authorizes the Issuer to incur indebtedness for the purpose of refunding revenue bonds issued for the purpose of providing multifamily residential housing for persons of low or moderate income; and

WHEREAS, in order to provide funds to refinance the Project and redeem the Original Bonds, and in consideration of the receipt of the Pass-through Certificate (as hereinafter defined) by the Trustee, the Issuer intends to make amounts available to the Lender (as hereinafter defined) to enable the Lender to fund a loan to the Borrower in the principal amount of \$18,220,000 (the "Mortgage Loan"), evidenced by a

promissory note (the "Mortgage Note") in such amount from the Borrower and secured by a Deed of Trust, Assignment of Rents and Security Agreement (the "Mortgage") with respect to the Project;

WHEREAS, a representative of the Borrower has requested in order to provide the funds necessary to enable the Lender to make the Mortgage Loan and to redeem the Original Bonds, that the Issuer, pursuant to the Act, authorize the issuance of its revenue refunding bonds designated as "City of Indianapolis Economic Development Revenue Refunding Bonds (Lockefield Associates Project) Series 1995A" and "City of Indianapolis Economic Development Revenue Refunding Bonds (Lockefield Associates Project) Taxable Series 1995B", in the maximum total principal amount of \$19,000,000 (collectively, the "Bonds"); and

WHEREAS, the Issuer, the Borrower, BOCC Funding Corporation (the "Lender"), and the Trustee will enter into a Financing Agreement (as hereinafter defined), pursuant to which the Mortgage Loan will be made; and

WHEREAS, pursuant to the terms of an Indenture of Trust (as hereinafter defined), and a Commitment Letter between the Lender and Fannie Mae, Fannie Mae, as trustee under the Trust Indenture for Guaranteed Mortgage Pass-through Certificate dated as of July 1, 1984, as amended and supplemented, between Fannie Mae in its corporate capacity and Fannie Mae in its capacity as trustee (the "Fannie Mae Trust Indenture"), upon delivery of the Bonds, shall acquire the Mortgage Loan from the Lender and issue in exchange therefor a Guaranteed Mortgage Pass-through Certificate (the "Pass-through Certificate") representing an undivided interest in the Mortgage Loan under the terms of which timely payment of principal and interest on the Pass-through Certificate is guaranteed by Fannie Mae regardless of whether corresponding payments on the Mortgage Loan are paid when due; and

WHEREAS, upon such acquisition by Fannie Mae of the Mortgage Loan in exchange for the Pass-through Certificate, the Pass-through Certificate is to be held in trust by the Trustee and pledged under the terms of the Indenture to secure payment of the Bonds; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 6, 1995 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the refinancing of the Project complies with the purposes and provisions of the Act and that such refinancing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Indenture of Trust (the "Indenture") dated as of December 1, 1995 by and between the Issuer and Bank One, Indianapolis, N.A., as Trustee (the "Trustee") to accomplish the foregoing; and

WHEREAS, a Financing Agreement dated as of December 1, 1995 by and between the Issuer and the Borrower (the "Financing Agreement") provides for the repayment by the Borrower of the loan of the proceeds of the Bonds pursuant to which the Borrower will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the refinancing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Financing Agreement, Indenture, Bond Purchase Agreement among the Issuer, Borrower and Banc One Capital Corporation (the "Underwriter"), Preliminary Official Statement, Remarketing Agreement, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION I. It is hereby found that the refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of refinancing or providing reimbursement for a portion

of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, 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 Issuer shall issue its Bonds in the total aggregate principal amount not to exceed Nineteen Million Dollars (\$19,000,000) for the purpose of procuring funds to loan to the Company in order to refinance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter at a price not less than 97.0 % of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest determined as set forth in the Indenture, but not more than 9.0 % until the first Remarketing Date. The use of a Final Official Statement substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the Underwriter, 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 thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. In the event the Bonds are not closed until 1996, the Financing Documents may be dated in 1996 and the name of the Bonds shall reflect the issuance in 1996.

SECTION 8. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

Councillor Gilmer asked for consent to advance Proposal No. 782, 1995 on the agenda. The President said that Proposal No. 782, 1995 would be heard after Proposal No. 816, 1995.

PROPOSAL NO. 816, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 816, 1995 on December 7, 1995. The proposal is an inducement resolution for Banner Investments, Inc., in an amount not to exceed \$8,250,000 to proceed with the acquisition, renovation and equipping of the existing 304 unit multi-family residential rental facility located at 4444 Mission Drive (District 1). By a 7-0 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. Proposal No. 816, 1995 was adopted on the following roll call vote; viz:

*24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty Adams, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, Williams*

*0 NAYS:*

*4 NOT VOTING: Giffin, Gray, Mullin, West*

*1 ABSENT: Jones*

Proposal No. 816, 1995 was retitled SPECIAL RESOLUTION NO. 105, 1995, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 105, 1995

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

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

WHEREAS, Banner Investments, Inc. on behalf of a to be formed Indiana limited liability company (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, renovation and equipping of the existing three hundred four (304) unit multi-family residential facility located at 4444 Mission Drive, Indianapolis, Indiana on approximately 20 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, 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 (seven (7) jobs) plus the creation of a construction job payroll and the creation of business opportunities to be achieved by the acquisition, renovation 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, the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended or any successor section thereof in connection with the Project and the Indiana Housing Finance Authority;

WHEREAS, the acquisition, renovation 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 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 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 Eight Million Two Hundred Fifty Thousand Dollars (\$8,250,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, renovation, 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, renovation 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, 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 July 31, 1996, 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, renovation 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 (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. The City-County Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

PROPOSAL NO. 782, 1995. Councillor Gilmer acknowledged Mr. Mike Smith, consultant to the Department of Capital Asset Management, and explained the status of the new public transportation system. He reported that the Capital Asset Management Committee heard

Proposal No. 782, 1995 on December 6, 1995. The proposal approves an appropriation of \$6,000,000 for the Department of Capital Asset Management for public transportation initiatives financed by a transfer of appropriations from the Office of the Controller's State Grants Fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor O'Dell, for adoption. Proposal No. 782, 1995 was adopted on the following roll call vote; viz:

23 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty Adams, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, Williams*

0 NAYS:

5 NOT VOTING: *Black, Giffin, Gray, Mullin, West*

1 ABSENT: *Jones*

Proposal No. 782, 1995 was retitled FISCAL ORDINANCE NO. 132, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 132, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Six Million Dollars (\$6,000,000) in the State Grants Fund for purposes of the Department of Capital Asset Management and reducing certain other appropriations for the Office of the Controller.

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. (m) of the City-County Annual Budget for 1996, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Capital Asset Management to contract for certain public transportation initiatives.

SECTION 2. The sum of Six Million Dollars (\$6,000,000) 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 CAPITAL ASSET MANAGEMENT</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	<u>6,000,000</u>
TOTAL INCREASE	6,000,000

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

<u>OFFICE OF THE CITY CONTROLLER</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	<u>6,000,000</u>
TOTAL REDUCTION	6,000,000

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

PROPOSAL NO. 817, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 1, 1995." The Council did not schedule Proposal No. 817, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 817, 1995 was retitled REZONING ORDINANCE NO. 194, 1995 and is identified as follows:

December 11, 1995

REZONING ORDINANCE NO. 194, 1995. 93-Z-153  
7450 NEW AUGUSTA ROAD (approximate address), INDIANAPOLIS.  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT #2.  
R.N. THOMPSON & ASSOCIATES, INC., by Ray Good, requests the rezoning of 37.8 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

PROPOSAL NO. 818, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 7, 1995." The Council did not schedule Proposal No. 818, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 818, 1995 was retitled REZONING ORDINANCE NO. 195, 1995 and is identified as follows:

REZONING ORDINANCE NO. 195, 1995. 95-Z-173  
1708 WEST 30TH STREET (approximate address), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9.  
RIVERSIDE PARTNERS, LLC, by Joseph M. Scimia, requests the rezoning of 23.155 acres, being in the D-5, D-7, C-S, SU-35 and PK-I Districts to the D-P classification to provide for a planned unit development for 14 multi-family townhomes, 86 multi-family townhomes or stacked flats, and 67 single-family units.

PROPOSAL NOS. 819-830, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 7, 1995". The Council did not schedule Proposal Nos. 819-830, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 819-830, 1995 were retitled REZONING ORDINANCE NOS. 196-207, 1995 and are identified as follows:

REZONING ORDINANCE NO. 196, 1995. 95-Z-162  
6301 ZIONSVILLE ROAD (approximate address), INDIANAPOLIS.  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1.  
NATIONAL BENEVOLENT ASSOCIATION, by Mary E. Solada, requests the rezoning of 16 acres, being in the D-I District, to the D-P classification to provide for the expansion of an existing retirement community including 26 garden homes (two-family structures), day care (one building) and medical office uses (one 15,000 square foot building).

REZONING ORDINANCE NO. 197, 1995. 95-Z-146  
3218 HARPER ROAD (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.  
DONALD G. DAVIS LIVING TRUST, by Steven R. Hall, requests the rezoning of 0.67 acre, being in the C-4 District, to the C-5 classification to provide for automobile sales.

REZONING ORDINANCE NO. 198, 1995. 95-Z-156  
5085 EAST 64TH STREET (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4.  
SOMMER AWNING COMPANY, INC., by Brian J. Tuohy, requests the rezoning of 2.726 acres, being in the C-3 District, to the C-S classification to provide for the construction of an office/warehouse building for the manufacture and sale of awnings.

REZONING ORDINANCE NO. 199, 1995. 95-Z-160  
6202-6230 NORTH COLLEGE AVENUE and 660 EAST 62ND STREET (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7.  
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests the rezoning of 0.93 acre, being in the D-4 District, to the C-I classification to conform zoning classification with the existing uses and to conform to the Neighborhood Plan.

REZONING ORDINANCE NO. 200, 1995. 95-Z-174  
2425 EAST MICHIGAN STREET (approximate address), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

RONALD J. FRAZEE, by Michael J. Kias, requests the rezoning of 0.24 acre, being in the C-2 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 201, 1995. 95-Z-176

8380 KELLY LANE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

WESTEL-INDIANAPOLIS COMPANY d/b/a CELLULAR ONE, by James A.L. Buddenbaum, requests the rezoning of 2.636 acres, being in the C-S District, to the C-S classification to provide for the installation of a cellular communications antenna on an existing single pole sign and a 11.5 by 22 foot automated communications equipment building.

REZONING ORDINANCE NO. 202, 1995. 95-Z-178

4902 MANN ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19.

HARRY KIM and KFM PARTNERS, L.P., by Michael J. Kias, request the rezoning of 7.541 acres, being in the C-3 District, to the C-S classification to provide for C-3 commercial uses on the eastern portion of the property and mini-warehouses on the western portion (rear) of the property.

REZONING ORDINANCE NO. 203, 1995. 95-Z-186

6231 SOUTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

FRED B. BOUSHEHRY requests the rezoning of 4.48 acres, being in the D-A, SU-42 and D-3 Districts, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 204, 1995. 95-Z-187

408 SOUTH MERIDIAN STREET a.k.a. 19 WEST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

ARCHITECTURAL SERVICES, INC. requests the rezoning of 1.93 acres, being in the I-3-U(RC) District, to the CBD-2(RC) classification to provide for commercial/office/residential uses.

REZONING ORDINANCE NO. 205, 1995. 95-Z-188

521 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.

PETER J. KUHNS requests the rezoning of 0.1506 acre, being in the I-3-U(RC) District, to the CBD-2(RC) classification to provide for office and residential uses.

REZONING ORDINANCE NO. 206, 1995. 95-Z-191

3850 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 11.

HIGHLAND REALTY, INC., by Ronald L. Baker, requests the rezoning of 0.4 acre, being in the D-5 District, to the C-5 classification to provide for a used automobile sales lot with an automobile repair facility.

REZONING ORDINANCE NO. 207, 1995. 95-Z-193

4001 SOUTH EMERSON AVENUE (approximate address), BEECH GROVE.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

J.D. BYRIDER, by Philip A. NICELY, requests the rezoning of 1.702 acres, being in the C-4 District, to the C-5 classification to provide for the sale of automobiles.

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

PROPOSAL NO. 724, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 724, 1995 on November 8, 1995. The proposal consents to an appropriation of \$338,114 for the County Auditor, Prosecuting Attorney, County Sheriff, and the Presiding Judge of the Municipal Courts which is the third quarter distribution of the Deferral Program Fee Fund financed by revenues from that fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:29 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 724, 1995 was adopted on the following roll call vote; viz:

- 20 YEAS: Black, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty Adams, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford
- 0 NAYS:
- 8 NOT VOTING: Beadling, Borst, Boyd, Giffin, Gray, Mullin, West, Williams
- 1 ABSENT: Jones

Proposal No. 724, 1995 was retitled FISCAL ORDINANCE NO. 133, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Three Hundred Thirty-eight Thousand One Hundred Fourteen Dollars (\$338,114) in the Deferral Program Fee Fund for purposes of the County Auditor, Prosecuting Attorney, County Sheriff and Presiding Judge of the Municipal Courts and reducing the unappropriated and unencumbered balance in the Deferral Program Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,w,z,cc) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor, Prosecuting Attorney, County Sheriff and Presiding Judge of the Municipal Courts for the third quarter distribution of the Deferral Program Fee Funds to defer the cost of traffic enforcement.

SECTION 2. The sum of Three Hundred Thirty-eight Thousand One Hundred Fourteen Dollars (\$338,114) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>DEFERRAL PROGRAM FEE FUND</u>
1. Personal Services, fringes	11,250
3. Other Services and Charges	67,645
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	45,000
2. Supplies	17,000
3. Other Services and Charges	72,980
<u>COUNTY SHERIFF</u>	
3. Other Services and Charges	30,822
<u>PRESIDING JUDGE OF THE MUNICIPAL COURTS</u>	
3. Other Services and Charges	<u>93,417</u>
TOTAL INCREASE	338,114

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

	<u>DEFERRAL PROGRAM FEE FUND</u>
Unappropriated and Unencumbered	
Deferral Program Fee Fund	<u>338,114</u>
TOTAL REDUCTION	338,114

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

PROPOSAL NO. 725, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 725, 1995 on November 8, 1995. The proposal would appropriate \$38,782 for Community Corrections to fund a Jail Work Program financed by County General Fund Jail Reserve Account. Since the time of the Committee's recommendation, the initiator of the proposal has asked that the Council strike the proposal. Councillor Dowden moved to strike the proposal, seconded by Councillor Borst. The proposal was stricken by unanimous voice vote.

PROPOSAL NOS. 753 and 754, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 753 and 754, 1995 on December 5, 1995. PROPOSAL NO. 753, 1995. The proposal authorizes tax anticipation borrowing for the City, during the period from January 1, 1996 through December 31, 1996. PROPOSAL NO. 754, 1995. The proposal authorizes tax anticipation borrowing for the County General Fund, the County Family and Children Fund, and the County Welfare General Fund during the period from January 1, 1996 through December 31, 1996. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 9:32 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Gilmer, for adoption. Proposal Nos. 753 and 754, 1995 were adopted on the following roll call vote; viz:

*24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty Adams, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, West*

*0 NAYS:*

*4 NOT VOTING: Giffin, Gray, Mullin, Williams*

*1 ABSENT: Jones*

Proposal No. 753, 1995 was retitled FISCAL ORDINANCE NO. 134, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO 134, 1995

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Park General Fund during the period January 1, 1996, through December 31, 1996, in anticipation of current taxes levied in the year 1995 and collectible in the year 1996 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

- A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 1996 distributions of Taxes levied for such Account, and the June and December 1996 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Twenty-eight Million Two Hundred Thirteen Thousand Three Hundred Ninety Dollars (\$28,213,390) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

- B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1996 distributions of Taxes levied for such Fund, and the June and December 1996 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Three Million Eight Hundred Ninety-eight Thousand Nine Hundred Forty-six Dollars (\$3,898,946) and the interest cost of making temporary loans for the Police Pension Fund;
- C. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 1996 distributions of Taxes levied for such Account, and the June and December 1996 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Twenty-two Million Two Hundred Ninety-one Thousand Eight Hundred Eighty-eight Dollars (\$22,291,888) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and
- D. that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1996 distributions of Taxes levied for such Fund, and the June and December 1996 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Three Million Four Hundred Ninety-seven Thousand Nine Hundred Seventy-two Dollars (\$3,497,972) and the interest cost of making temporary loans for the Firemen's Pension Fund; and
- E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 1996 distributions of Taxes levied for such Fund, and the June and December 1996 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Ten Million Five Hundred Seventy-nine Thousand One Hundred Twenty-eight Dollars (\$10,579,128) and the interest cost of making temporary loans for the Park General Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 1995 and in the course of collection for the year 1996; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Twenty-eight Million Two Hundred Thirteen Thousand Three Hundred Ninety Dollars (\$28,213,390) in anticipation of Taxes for the Account for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 1996 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 1996 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 1996 Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Three Million Eight Hundred Ninety-eight Thousand Nine Hundred Forty-six Dollars (\$3,898,946) in anticipation of Taxes for the Fund for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 1996 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 1996 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 1996 Budget Fund No. 810, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Twenty-two Million Two Hundred Ninety-one Thousand Eight Hundred Eighty-eight Dollars (\$22,291,888) in anticipation of Taxes for the Account for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 1996 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the Consolidated City Fire Force Account, the 1996 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1996 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Three Million Four Hundred Ninety-seven Thousand Nine Hundred Seventy-two Dollars (\$3,497,972) in anticipation of Taxes for the Fund for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund from the June and December 1996 distributions of Taxes for the Firemen's Pension Fund to the Firemen's Pension Fund, the 1996 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Firemen's Pension Fund 1996 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Ten Million Five Hundred Seventy-nine Thousand One Hundred Twenty-eight Dollars (\$10,579,128) in anticipation of Taxes for the Fund for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 1996 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 1996 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1996 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund or Account may be issued in one series, designated Series 1996 Warrants ("Series 1996 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1996 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1996 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 1996 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than June 28, 1996. All Series B Warrants and Series 1996 Warrants shall mature and be payable not later than December 31, 1996. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 7. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 7. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 6 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Controller may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are

authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 8. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_ Principal \$ \_\_\_\_\_

CITY OF INDIANAPOLIS  
TAX ANTICIPATION TIME WARRANT, SERIES 1996\_\_\_\_  
(\_\_\_\_\_ [FUND] [ACCOUNT])

On the \_\_\_\_ day of \_\_\_\_\_, 1996, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1995, and payable in the [first installment] [second installment] for the year 1996 ("Taxes"), which Taxes are now in course of collection for the \_\_\_\_\_ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$ \_\_\_\_\_ evidencing a temporary loan in anticipation of the Taxes for the \_\_\_\_\_.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 1995, for the purpose of providing funds for the \_\_\_\_\_ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the \_\_\_\_\_ of the City for the year of 1995, payable in the [first installment] [second installment] for the year 1996, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the manual or facsimile signature of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of the City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this \_\_\_ day of \_\_\_\_\_, 1996.

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Mayor, City of Indianapolis

COUNTERSIGNED:

By: \_\_\_\_\_  
Controller, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Clerk, City of Indianapolis

EXHIBIT A  
(Advances)  
(to be placed on a separate page)

SECTION 9. The Warrants shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City, countersigned by the Controller of the City, the corporate seal of the City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer, or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 10. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the City represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds or Accounts.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion.

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants the City will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 11. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 754, 1995 was retitled FISCAL ORDINANCE NO. 135, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 1995

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Family and Children's Fund ("Funds") during the period from January 1, 1996, through December 31, 1996, in anticipation of current taxes levied in the year 1995 and collectible in the year 1996 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Family and Children's Fund pending the receipt of Taxes actually levied in 1995 and in the process of collection in 1996, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and:

- A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than Sixty Million One Hundred Ninety-two Thousand Seven Hundred Eighty-six Dollars (\$60,192,786) and the interest cost of making temporary loans for the County General Fund; and
- B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Twenty-seven Million Seven Hundred Forty-eight Thousand Nine Hundred Forty Dollars (\$27,748,940) and the interest cost of making temporary loans for the County Family and Children's Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1995 and in the course of collection for the year 1996; now, therefore:

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Sixty Million One Hundred Ninety-two Thousand Seven Hundred Eighty-six Dollars (\$60,192,786) in anticipation of Taxes for the Fund for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 1996 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the maximum principal amount of Twenty-seven Million Seven Hundred Forty-eight Thousand Nine Hundred Forty

Dollars (\$27,748,940) in anticipation of Taxes for the Fund for the year 1996, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 1996 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 1996 Warrants ("Series 1996 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1996 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1996 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 1996 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 28, 1996. All Series B Warrants and Series 1996 Warrants shall mature and be payable not later than December 31, 1996. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 4. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 4. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 3 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Auditor may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Commissioners, the Mayor and Auditor are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Auditor and the purchaser of the Warrants at public sale.

SECTION 5. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

December 11, 1995

No. \_\_\_\_\_

Principal \$ \_\_\_\_\_

MARION COUNTY  
TAX ANTICIPATION TIME WARRANT, SERIES 1996 \_\_\_\_  
(\_\_\_\_\_ FUND)

On the \_\_\_\_ day of \_\_\_\_\_, 1996, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1995, and payable from the [first installment] [second installment] for the year 1996 ("Taxes"), which Taxes are now in course of collection for the County \_\_\_\_\_ Fund, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), evidencing a temporary loan in anticipation of the Taxes for the County \_\_\_\_\_ Fund.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 1995, for the purpose of providing funds for the County \_\_\_\_\_ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County \_\_\_\_\_ Fund for the year of 1995, payable in the [first installment] [second installment] for the year 1996, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, The Board of Commissioners of Marion County, Indiana has caused the warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor and attested by the Auditor and the corporate seal of The Board of Commissioners to be hereunto affixed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 1996.

THE BOARD OF COMMISSIONERS OF  
MARION COUNTY, INDIANA

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

COUNTERSIGNED:

By: \_\_\_\_\_  
Mayor, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Auditor, Marion County

EXHIBIT A

(Advances)

(to be placed on a separate page)

SECTION 6. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 7. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants, the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

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

PROPOSAL NOS. 756, 760, 761, 762, and 763, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 756, and 760-763, 1995 on December 11, 1995. PROPOSAL NO. 756, 1995. The proposal is an appropriation of \$14,192 to continue the Salvation Army's Domestic Violence Program through the Prosecuting Attorney financed by a state grant. PROPOSAL NO. 760, 1995. The proposal is an appropriation of \$31,252 for the Superior Court, Juvenile Division/Detention Center, to provide legal assistance for children through Child Advocates, Inc. financed by a state grant. PROPOSAL NO. 761, 1995. The proposal is an appropriation of \$49,967 for the Superior Court, Juvenile Division/Detention Center, to fund Partners for Youth financed by a state grant. PROPOSAL NO. 762, 1995. The proposal is an appropriation of \$68,425 for the Superior Court, Juvenile

Division/Detention Center, to fund the Southside Youth Council/Teen Court Program financed by a state grant. PROPOSAL NO. 763, 1995. The proposal is an appropriation of \$25,536 for the Court Administrator Agency to continue the Visiting Nurse Service as part of the Family Connection Center Program financed by a state grant. By unanimous votes, the Committee reported these proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 9:39 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal Nos. 756 and 760, 761, 762, and 763, 1995 were adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, West, Williams*

0 NAYS:

3 NOT VOTING: *Black, Giffin, Golc*

1 ABSENT: *Jones*

Proposal No. 756, 1995 was retitled FISCAL ORDINANCE NO. 136, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Fourteen Thousand One Hundred Ninety-two Dollars (\$14,192) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (w) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney for continuing 95/96 funds for the Salvation Army to provide domestic violence shelter and counseling.

SECTION 2. The sum of Fourteen Thousand One Hundred Ninety-two Dollars (\$14,192) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>14,192</u>
TOTAL INCREASE	14,192

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>14,192</u>
TOTAL REDUCTION	14,192

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

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

Proposal No. 760, 1995 was retitled FISCAL ORDINANCE NO. 137, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Thirty-one Thousand Two Hundred Fifty-two Dollars (\$31,252) in the State and Federal Grants Fund for purposes of the Superior Court, Juvenile Division/Detention Center and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (kk) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Juvenile Division/Detention Center for legal services for individuals represented by Child Advocates, Inc.

SECTION 2. The sum of Thirty-one Thousand Two Hundred Fifty-two Dollars (\$31,252) 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>SUPERIOR COURT, JUVENILE DIVISION DETENTION CENTER</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>31,252</u>
TOTAL INCREASE	31,252

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>31,252</u>
TOTAL REDUCTION	31,252

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

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

Proposal No. 761, 1995 was retitled FISCAL ORDINANCE NO. 138, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Forty-nine Thousand Nine Hundred Sixty-seven Dollars (\$49,967) in the State and Federal Grants Fund for purposes of the Superior Court, Juvenile Division/Detention Center and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (kk) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Juvenile Division/Detention Center for a grant for Partners for Youth to provide mentoring programs for at-risk youths.

SECTION 2. The sum of Forty-nine Thousand Nine Hundred Sixty-seven Dollars (\$49,967) 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>SUPERIOR COURT, JUVENILE DIVISION/ DETENTION CENTER</u>		<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges		49,967
TOTAL INCREASE		49,967

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	49,967
TOTAL REDUCTION	49,967

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

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

Proposal No. 762, 1995 was retitled FISCAL ORDINANCE NO. 139, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 139, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Sixty-eight Thousand Four Hundred Twenty-five Dollars (\$68,425) in the State and Federal Grants Fund for purposes of the Superior Court, Juvenile Division/Detention Center and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (kk) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Juvenile Division/Detention Center for a grant for the Southside Youth Council - Teen Court Program.

SECTION 2. The sum of Sixty-eight Thousand Four Hundred Twenty-five Dollars (\$68,425) 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:

SUPERIOR COURT, JUVENILE DIVISION/  
DETENTION CENTER

STATE AND FEDERAL GRANTS FUND

3. Other Services and Charges  
TOTAL INCREASE

68,425  
68,425

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

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered  
State and Federal Grants Fund  
TOTAL REDUCTION

68,425  
68,425

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

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

Proposal No. 763, 1995 was retitled FISCAL ORDINANCE NO. 140, 1995, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Twenty-five Thousand Five Hundred Thirty-six Dollars (\$25,536) in the State and Federal Grants Fund for purposes of the Court Administrator Agency and the Domestic Relations Counseling Bureau and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (ww) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Court Administrator Agency and the Domestic Counseling Bureau of a grant for the Visiting Nurse Service's supervised court ordered visitation program.

SECTION 2. The sum of Twenty-five Thousand Five Hundred Thirty-six Dollars (\$25,536) 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:

COURT ADMINISTRATOR AGENCY

STATE AND FEDERAL GRANTS FUND

3. Other Services and Charges  
TOTAL INCREASE

25,536  
25,536

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

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered  
State and Federal Grants  
TOTAL REDUCTION

25,536  
25,536

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 378, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 378, 1995 on December 11, 1995. The proposal revises provisions for registration of private emergency alarm systems and penalties for false alarm violations. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Beadling asked about a manufacturer defect. Councillor Dowden explained that there is an initial grace period for a defective alarm, but once it had been in place for a while, it was the owner's responsibility. Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 378, 1995 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Giffin*

*1 ABSENT: Jones*

Proposal No. 378, 1995 was retitled GENERAL ORDINANCE NO. 214, 1995, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 214, 1995

A GENERAL ORDINANCE recodifying and amending Chapter 21½ of the "Code of Indianapolis and Marion County, Indiana," and Sec. 103-52 of the "Revised Code of the Consolidated City and County," regarding Private Emergency Alarm Systems and false alarm violations.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a NEW Chapter 811 (which is a revision and recodification of Chapter 21½ of the "Code of Indianapolis and Marion County, Indiana" that deletes the language which is stricken-through and adds the language which is underscored) to read as follows:

ARTICLE I. ~~IN GENERAL~~ PURPOSE AND DEFINITIONS

Sec. ~~21½-1~~ 811-101. Purpose.

It is hereby declared to be the purpose of this chapter to reduce the number of false alarms activated by private emergency alarm systems and thereby reduce the City's commitment of law enforcement resources required to answer these false alarms.

Sec. ~~21½-2~~ 811-102. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

(a) *Alarm agent* means any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure, facility or grounds any alarm system.

(b) *Alarm business* means any individual, partnership, corporation or other entity ~~who in addition to selling alarm systems, also~~ which does any of the following: monitors, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds.

(e) *Alarm system* means any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Indianapolis Police Department or the Marion County Sheriff's Department.

For the purposes of this ~~article chapter~~, ~~an alarm system~~ shall not include:

- (1) An alarm installed on a motor vehicle;
- (2) An alarm designed so that the Indianapolis Police Department or the Marion County Sheriff's Department are not notified until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business has checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice;
- (3) An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is an external sounding alarm that automatically stops within fifteen (15) minutes after activation; or
- (4) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

(d) *Automatic telephone dialing device* means any device connected to an alarm system which automatically sends a prerecorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.

(e) *False alarm* means an alarm eliciting a police response when the situation does not require police services. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer or maintainer.

Monitor or monitoring means the detection from a remote location of the activation of an alarm system subject to this chapter.

(f) *Permit holder* means the individual, corporation, partnership or other legal entity ~~to whom an alarm system permit is issued~~ who is required by this chapter to apply for an alarm system permit.

Secs. 811-103 -- 811-110. Reserved.

## ARTICLE II. ALARM SYSTEM PERMITS

Sec. 21½-3. Alarm system permit required.

~~(a) It shall be unlawful for a person who own or controls property to operate, cause to be operated, or permit the operation of an alarm system on that property unless a current alarm system permit has been obtained from the city controller; provided, however, no permit shall be required for an alarm system located on a private residence if the only response on activation of the alarm system is an external sounding alarm that automatically stops within fifteen (15) minutes after activation. If police are routinely notified and dispatched to a private residence to investigate an activated alarm, a permit shall be required.~~

~~(b) Any person who violates this section shall be subject to a twenty five dollar (\$25.00) fine unless an alarm system permit is obtained within ten (10) days after receiving notification of the violation, provided that prior notification has not been given.~~

~~(c) Any activation occurring within 30 days after installment of a new alarm system shall be exempt.~~

Sec. 21½-4 811-111. Application for alarm system permit.

(a) Application for a permit for the operation of an alarm system shall be made by a person or legal entity having ownership or control over the property on which the alarm system is to be installed and operated. Such applications shall be made in writing to the city controller on a form designated by the city for that purpose.

- (b) The application shall include the following information:
- (a1) The name, address and telephone number of each person in control of the property;
  - (b2) The street address of the property on which the alarm system is to be installed and operated;
  - (c3) Any business name used for the premises on which the alarm system is to be installed and operated;
  - (d4) Whether the alarm system or systems are or are not local alarms and whether the alarm system or systems are designed to give notice of a burglary, hold-up or other type of emergency;
  - (e5) The name of the person or alarm system business who will install the alarm system; and,
  - (f6) The names and telephone numbers of two (2) persons or of an alarm system business which are able to and have agreed:
    - (1i) To receive notification at any time;
    - (2ii) To come to the alarm site within thirty (30) minutes after receiving a request from the Indianapolis Police Department or Marion County Sheriff's Department to do so; and
    - (3iii) To grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

Sec. ~~211-5~~ §11-112. Issuance of alarm system permit; notification to police department.

(a) The controller shall issue an alarm system permit to the person or other legal entity in control of the property upon submission of an application in accordance with this article and payment of the permit fee, unless the controller finds any statement made in the application was incomplete or false.

(b) The controller shall assign to each alarm system permit a unique identification number supplied by the Indianapolis Police Department.

~~(bc) Immediately~~ No later than forty-eight (48) hours after receipt of the application for issuance of an alarm system permit ~~and payment of the permit fee, or after receiving updated information on an existing permit,~~ the controller shall forward a copy of the application or updated information, along with the identification number, to the appropriate law enforcement agency Indianapolis Police Department. All information on such application shall be protected as confidential information; provided, however, nothing in this chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this chapter.

~~(ed) Throughout the term of the permit,~~ The permit holder shall promptly notify the controller in writing of any change in the information contained in the permit application.

Sec. ~~211-6~~ §11-113. Permit fee and term.

(a) The fee for an alarm system permit shall be ~~ten~~ fourteen dollars (~~\$14.00~~) (\$10.00), ~~two dollars (\$2.00) issuance fee and two dollars (\$2.00) service fee credited to the Indianapolis Police Department to help defray expenses for mailing, permit stickers and alarm application forms.~~

(b) An alarm system permit issued pursuant to this article shall be valid for a term of two (2) years commencing from the date of issuance, for those alarms which continue to be monitored.

(c) An alarm system permit issued pursuant to this article shall be personal to the permit holder for a specific location and is shall not be transferrable.

~~(d) An alarm system permit issued pursuant to this article may be suspended or revoked pursuant to the conditions and procedures established by section 17-49 of this Code.~~

Sec. ~~214-7~~ 811-114. ~~Location of permit~~ Display of alarm system permit number.

The permit holder for an alarm system shall ~~keep such~~ post the alarm system permit at the alarm site in a location from which the identification number clearly is visible to any law enforcement official who responds to an alarm.

Sec. 811-115. Violations; penalty.

(a) The following shall constitute violations of this article by the owner or person in control of property upon which there is an alarm system:

- (1) to operate, cause to be operated, or permit the operation of an alarm system unless a current alarm system permit has been obtained therefor from the city controller;
- (2) to fail promptly to notify the controller of any change in the information on an alarm system permit application; or,
- (3) to fail to post the alarm system identification number as provided by this article.

(b) A violation of this article shall be enforced as provided in Sec. 103-3 of this Code. Each day a violation of this article continues shall constitute a separate offense.

(c) The minimum fine for a violation of this article shall be fifty dollars (\$50.00) for each violation.

Secs. 811-116 -- 811-140. Reserved.

ARTICLE III. ALARM BUSINESS LICENSES

Sec. ~~214-8~~ 811-141. Licensing of alarm business and alarm monitoring business.

(a) Prior to doing business, including monitoring an alarm located within the Consolidated City of Indianapolis, an alarm system business shall obtain a license from the city controller's office.

(b) An alarm business doing business at the time this amended chapter becomes effective shall have thirty (30) days to apply for a license as required above.

Sec. ~~214-9~~ 811-142. Application for License.

(a) All applications for a license required by this article shall be made on forms designated by the city controller and shall include the following information:

- (1) The full name and address of the alarm business;
- (2) The full name, business address and home address of the manager;
- (3) A telephone number at which the Indianapolis Police Department or Marion County Sheriff's Department can notify personnel of the alarm business of a need for assistance at any time; and,
- (4) The names, addresses and dates of birth of all alarm agents employed by the alarm business.

(b) An alarm business shall promptly notify the controller in writing of any change in the information contained in the ~~registration~~ application form.

Sec. ~~214-10~~ 811-143. License fee and term.

(a) An alarm business license shall be valid for one (1) year and shall be renewable on the first day of January of each year.

(b) The annual license fee for each alarm business shall be two hundred fifty dollars (\$250.00).

(c) An alarm business license shall be personal to the holder and is not transferrable.

Sec. ~~21½-11~~ 11. Revocation of license.

~~An alarm business license issued pursuant to this article may be suspended or revoked pursuant to the conditions and procedures established by section 17-49 of this Code.~~

Sec. ~~21½-12~~ 811-144. Identification cards required.

Every alarm agent shall carry on his person at all times while engaged in the alarm business an identification card which shall be displayed to any law enforcement officer upon request.

Sec. ~~21½-13~~ 811-145. Installation of alarm systems.

Any alarm business which installs an alarm system within the Consolidated City of Indianapolis shall provide the following information on a form designated by the city:

- (1) The address where such system is installed;
- (2) The name and address of the person having control over the property; and
- (3) The type of alarm system.

Such form shall be submitted to the Indianapolis Police Department not earlier than twenty (20) days prior to the installation of such system and not later than forty-eight (48) hours after such system is installed. Such information shall be protected as confidential information and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this chapter.

Secs. 811-146 -- 811-160. Reserved.

ARTICLE IV. FALSE ALARMS

Sec. ~~21½-14~~ 811-161. Prohibited activity.

(a) It shall be unlawful for a person who owns or controls property on which an alarm system is installed to issue, cause to be issued, or permit the issuance of more than ~~two (2)~~ one (1) false alarms in a ~~calendar year~~ twelve (12) month period. Provided, however, this section shall not apply to an alarm system which emits a false alarm within thirty (30) days after installation of the alarm system.

(b) A person who owns or control property on which an alarm system is installed shall receive a warning from the appropriate law enforcement agency for the ~~last two (2)~~ first false alarms issued by such alarm system during a ~~calendar year~~ the twelve month period following the last false alarm or the installation of the alarm whichever is more recent.

(c) All alarms will have an automatic reset system which silences the externally sounding alarm within ~~thirty (30)~~ fifteen (15) minutes after activation.

Sec. ~~21½-15~~ 811-162. Enforcement.

(a) If an alarm system issues ~~more than two (2)~~, three (3), or four (4) false alarms in a ~~calendar year~~ twelve month period, the person who owns or controls the property on which such alarm system is installed shall receive notice of violation of section ~~21½-14~~ 811-161 in the manner specified in Chapter 103 of the Revised Code if subject to compromise under section ~~103-302~~ 52.

(b) The ~~eighth~~ fifth and each subsequent false alarms within a ~~calendar year~~ twelve month period and other violations not specified in section ~~103-302~~ 52 shall be subject to the general penalties of this Code ~~and enforcement shall be by the city prosecutor~~.

Secs. 21½-16 -- 21½-20 811-163 -- 811-180. Reserved.

ARTICLE V. AUTOMATIC TELEPHONE DIALING DEVICES

Sec. ~~214-21~~ 811-181. Automatic telephone device prohibited.

(a) It shall be unlawful to use or permit the use of any automatic telephone device or attachment which automatically selects any telephone line leading into the communication center of the Indianapolis Police Department or the Marion County Sheriff and then transmits any prerecorded message or signal.

(b) It shall be unlawful to sell or install any automatic telephone device which automatically selects any telephone line leading into the communication center of the Indianapolis Police Department or the Marion County Sheriff and then transmits prerecorded message or signal.

(c) Any person who operated or uses an automatic telephone device at the time this chapter becomes effective shall have until July 15, 1983, to comply with the requirements of this section.

(d) Any person who violates this section shall be subject to the general penalties for violating this Code as contained in section ~~4-8~~ 103-3.

Secs. 811-182 -- 811-200. Reserved.

SECTION 2. Sec. 103-52 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the language which is stricken-through and by adding the language which is underscored, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and respective civil penalties are designated for enforcement through the ordinance violations bureau:

<u>Code Section</u>	<u>Subject Matter</u>	<u>Civil Penalty</u>
4-71	Open burning	50.00
6-4	Animal at large - 1st offense in calendar year	50.00
6-71	Unlicensed dog - 1st offense in calendar year	50.00
6-150	Unvaccinated dog or cat - 1st offense in calendar year	50.00
7-20	Swimming in unguarded waters - 1st offense in calendar year	50.00
17-151	Sale of tobacco products without license - 1st offense	45.00
17-154	Prohibited distributions of tobacco products - 1st offense	45.00
17-780	Unlicensed transient merchant - 1st offense in calendar year	50.00
17½-8	Littering on premises of another	45.00
17½-17	Vehicle losing its load - 1st offense in calendar year	50.00
18-2	Unlawful noise - 1st offense in calendar year	50.00
20-9	Loitering - 1st offense in calendar year	50.00
20-46	Noisy house - 1st offense in calendar year	50.00
<del>21½-14</del>	<del>3rd false alarm in calendar year</del>	<del>20.00</del>
<del>21½-14</del>	<del>4th false alarm in calendar year</del>	<del>30.00</del>
<del>21½-14</del>	<del>5th through 7th false alarm in calendar year</del>	<del>40.00</del>
22-2	In park after hours - 1st offense in calendar year	50.00
22-9	Alcohol in park - 1st offense in calendar year	50.00
28-16	Parking prohibited for street repairs and cleaning	12.50
28-210	Skateboard or similar play device - 1st offense in calendar year	50.00
28-311	Premises address violation - 2nd offense in calendar year	25.00
29-8	Pedestrian violations	12.50
29-27	Parking when temporarily prohibited	12.50
29-97	Display of unauthorized traffic controls	12.50
29-98	Interference with traffic control devices	12.50
29-123	Unlawful use of horn or sounding device	15.00
29-223	Unlawfully parked trailer	12.50
29-252	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
29-253	Unlawful parking in certain school areas	12.50
29-254	Unlawful manner of parking	12.50
29-255	No required lights on certain parked vehicles	12.50

29-256.1	Violation of handicapped parking restrictions	45.00
29-256.2	Unlawful parking in handicapped parking meter zone	45.00
29-257	Unloading perpendicular to curb without permit	12.50
29-258	Unlawful use of bus stops and taxicab stand	12.50
29-259	Unlawful use of passenger and loading zones	12.50
29-260	Unlawful parking adjacent to certain buildings	12.50
29-262	Unlawful parking for display for sale or advertising	12.50
29-263	Unlawful parking for more than 6 hours	12.50
29-264	Unlawful parking of commercial vehicles at night	12.50
29-265	Unlawful parking in alleys or on certain narrow streets	12.50
29-266	Unlawful parking in designated special parking areas	12.50
29-267	Parking on certain streets where prohibited at all times	12.50
29-268	Stopping, standing or parking on streets where prohibited at all times	12.50
29-269	Parking on certain streets where prohibited at all times on certain days	12.50
29-270	Parking on certain streets when prohibited at certain times on certain days	12.50
29-271	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m. - 9:00 a.m., 7:00 a.m. - 9:00 a.m., 3:00 p.m. - 6:00 p.m., 4:00 p.m. - 6:00 p.m.	25.00
29-272	Parking longer than permitted on certain streets at certain times on certain days	12.50
29-284	Parking in excess of time permitted in parking meter zone	12.50
29-291	Parking in meter zone when temporarily prohibited	12.50
29-297	Overtime parking in metered parking space	12.50
29-321	Unlawful parking during snow emergency	25.00
29-335	Leaving taxicab unattended	12.50
29-336	Unlawful parking of bus or taxicab	12.50
29-337	Unlawful parking in certain mailbox zones	12.50
29-341	Unlawful stopping, standing or parking near fire hydrant	45.00
29-342	Unlawful obstruction of fire lane	25.00
29-398	Unlawful loading or unloading of private bus	12.50
29-400	Unlawfully stopping of food vendor vehicle	12.50
29-401	Violation of noise restriction on food vendors	12.50
29-403	Failure of food vending vehicle to display required warnings	12.50
29-403.2	Unlawful vending for other than curb side of vending vehicle	12.50
29-406	Operation of bicycle without required equipment	12.50
29-407	Unlawful operation of bicycle	12.50
29-424	Operation of unregistered bicycle	7.50
29-440	Consumption or possession by operator of motor vehicle 1st offense in calendar year	50.00
29-441	Operating motor vehicle containing open alcoholic beverages 1st offense in calendar year	50.00
Appendix D. Part 26, Sec. 6	Civil zoning violations - 1st offense in calendar year	50.00
<u>811-401</u>	<u>2nd False alarm in twelve month period</u>	<u>25.00</u>
<u>811-401</u>	<u>3rd False alarm in twelve month period</u>	<u>35.00</u>
<u>811-401</u>	<u>4th False alarm in twelve month period</u>	<u>50.00</u>

SECTION 3. Chapter 21½ of the Code of Indianapolis and Marion County, Indiana, is hereby superseded and repealed as of the effective date of this ordinance.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provisions or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 484, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 484, 1995 on November 15, 1995, where it was amended and tabled, and again on December 5, 1995. The proposal concerns leasing of right-of-way for vending from carts and stands, replaces current system of licensing carts, and recodifies other relevant provisions. Councillor Rhodes relayed the major changes dealing with franchise zone petitions, commercial transaction zones (Circle Centre and Canal Walk) which would be managed by a professional agency, new license fees, and designated special events license fees. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst relayed the management process for the commercial transaction zones. He said that he would like to see the form that management takes and asked James Steele, Jr., City Controller, if he would keep the Council informed. Mr. Steele agreed to run any agreement before the Council before signing.

Councillor Smith stated his concern is that there would be too much control of merchandise. Mr. Steele replied that there would be more flexibility in merchandise and services and less regulations. Councillor Smith stated that he thought the goal was to give more freedom and less regulations and let the market decide what merchandise should be sold, not give the control to the City. Tamara Zahn, President of Indianapolis Downtown, Inc., responded to Councillor Smith's concerns by stating that the goal was to seek a balance of merchandise, but that ultimately the market would determine which vendors would make it simply by purchase power and survival.

Councillor Beadling asked about the criteria for which carts would be chosen. She would not like to see the areas go to the highest bidders, but be designed to give the small businessman a chance. Ms. Zahn assured Councillor Beadling that they have taken steps to address her concerns and protect the small businessperson. They are looking at these vending opportunities as an incubating process and are keeping a lower licensing fee. It is not a highest bid process, but a goal for a long-term incubation process to grow these vendors into possible property owners themselves in the future.

Councillor Williams noted the absence of the vendors at this meeting indicating that they already felt their input had been taken into consideration and that she felt comfortable with the Committee's recommendation. The President added that cities he had visited where there were no regulations on sidewalk vending tended to be chaotic and non-productive.

Councillor Rhodes moved, seconded by Councillor Short, for adoption. Proposal No. 484, 1995 was adopted on the following roll call vote; viz:

*19 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Jimison, McClamroch, Moriarty Adams, Mullin, Rhodes, SerVaas, Shambaugh, Short, Tilford, West, Williams*

*6 NAYS: Beadling, Gilmer, Hinkle, O'Dell, Schneider, Smith*

*3 NOT VOTING: Giffin, Golc, Gray*

*1 ABSENT: Jones*

Proposal No. 484, 1995 was retitled GENERAL ORDINANCE NO. 215, 1995 and reads as follows:

December 11, 1995

CITY-COUNTY GENERAL ORDINANCE NO. 215, 1995

A GENERAL ORDINANCE amending Article XXIII of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" concerning outdoor retail sales from carts on an annual basis and at special events; recodifying the Article as part of Chapter 961 of the "Revised Code of the Consolidated City and County;" and making certain other technical amendments to the Code.

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

SECTION 1. Chapter 17, Article XXIII of the "Code of Indianapolis and Marion County, Indiana" is hereby amended and recodified as part of Chapter 961 of the "Revised Code of the Consolidated City and County," by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

ARTICLE ~~XXIII~~ I. OUTDOOR RETAIL SALES FROM CARTS; GENERAL PROVISIONS  
DIVISION I. GENERALLY

Sec. ~~17-805~~ 961-101. ~~Legislative determinations~~ Purpose.

The council, pursuant to its authority to regulate the conduct of business upon the public ways of the city, to promote the safety and welfare of its residents and visitors, and to collect fees to defray the costs of such regulation, determines it necessary and proper to license the businesses of retail sales of food, frozen food, beverages and flowers and other merchandise from carts and stands upon the public ways and to limit and franchise such sales in certain areas of the city. This ~~article~~ chapter is adopted to accomplish such goals.

Sec. ~~17-806~~ 961-102. Licenses required; ~~exceptions.~~

(a) It shall be unlawful to sell food, ~~beverages or frozen food~~, flowers ~~or other merchandise~~ from a cart on ~~public areas or sidewalks in the city~~ property without a license issued pursuant to this ~~article~~ chapter.

(b) A separate license shall be required for each cart.

(c) It is not necessary to be licensed as a transient merchant pursuant to ~~Article XXII~~ of this ~~chapter~~ code in order to obtain a license for a ~~vendor's~~ cart or to operate ~~a cart under a vendor's cart license.~~

~~(d) Prior to January 1, 1990, a transient merchant licensed pursuant to Article XII of this chapter may sell food, beverages or flowers from carts except in food cart zones.~~

Sec. ~~17-807~~ 961-103. Definitions.

As used in this ~~article~~ chapter, the following terms shall have the meanings ascribed to them in this section:

~~Beverage shall mean~~ means any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption;

~~Cart shall mean a~~ means both:

- (1) A wheeled device, not propelled by a motor, no larger than six (6) feet in length, three (3) feet in width and five (5) feet in height (exclusive of canopy), constructed so an operator may not stand on or in the device; however, the dimensional limitations provided in this definition shall not apply to carts located in a commercial transaction zone; and,
- (2) In a commercial transaction zone only, a stand from which food, frozen food, flowers or other merchandise is sold or offered for sale by a person;

~~Central city means the geographic area bounded as follows: on the north -- by 16th Street; on the east -- by East Street / and Central Street; Avenue, on the south -- by South Street; and on the west (going from south to north) -- by West Street, West Washington Street, White River, and Fall Creek;~~

City property means all outdoor areas which are owned, or leased as lessee, by the city or one of the city's departments, or upon which the city or one of its departments has an easement or right-of-way, including, but not limited to, streets, sidewalks, plazas or other areas adjacent to buildings owned by the city or by one of its departments;

Commercial transaction zone means one of the geographic areas designated under Article IV of this chapter;

Flowers shall mean means any fresh cut flower or live plant, in a pot not larger than four (4) inches in diameter.

Food shall mean means any raw, cooked or processed edible substance or beverage intended for use in whole or in part for human consumption, other than frozen food;

Food cart zones means through December 31, 1989, the seventeen (17) zones previously established by the controller for beverages, food, and flowers sold from carts. Up to three (3) licenses may be assigned to any one (1) zone. Except where more existed on November 1, 1987, in any one (1) zone, two (2) will be for food, beverage, or both; and one (1) for flowers. Assignment of each license to a particular zone shall be made by the controller, when a new license is issued.

Franchise area zone means one of the geographic areas determined designated under section 17-827, Article III of this chapter;

Frozen food means any food or beverage preserved and sold in a frozen solid state;

Merchandise means:

- (1) all wares and commercial products or services which merchants routinely buy, sell and offer, except food, frozen food and flowers; and
- (2) which in the case of products are of a size that can readily be displayed or contained in or upon a cart;

Nonprotected franchise area zone means a franchise area zone which was not protected by a licensee at the last annual drawing under section 17-827, Section 961-303;

Owner of a cart Own or have an interest in means ~~the person, firm, corporation, partnership or other legal entity which owns a cart licensed under this article. For purposes of the restrictions imposed on ownership of carts licensed under this article, the owner is any person or other entity who directly or indirectly owns or controls to control or have any influence over the management or operation of more than twenty (20) percent of the legal title or beneficial interest in the profits of a cart licensed under this article.~~ chapter;

Protected franchise area zone means a franchise area zone which a licensee protected at the last annual drawing under section 17-827, Section 961-303; ~~A franchise area can only be protected for one consecutive annual drawing.~~

Public Special event means a community outdoor gathering which is held on or makes use of city property, and which is designated and authorized pursuant to Article V or this chapter, in a public place within the central city with the approval of the appropriate governmental unit and includes, but is not limited to the Circlefest, Strawberry Festival, Black Expo, Mid-Summer Fest, 500 Festival Parade, White River Park State Games, Circle City Classic, Downtown Holiday Kickoff, and designated sporting events, whether indoors or outdoors.

Special event sponsor means an organization that is responsible for and undertakes the planning, organization or execution of a special event; and

Vendor's cart license means a franchise zone license, a commercial transaction zone license, or a special event license issued under this chapter.

DIVISION 2 ARTICLE II. VENDOR'S CART LICENSES

Sec. 17-808 ~~961-201~~. Vendor's cart licenses authorized.

(a) The controller is authorized to issue three (3) types of vendor's cart licenses pursuant to this ~~article~~ chapter as follows:

- (1) Franchise zone licenses ~~Food vendor's cart license~~, for retail sales of food, frozen foods, flowers and beverages ~~merchandise~~ from carts not located in commercial transaction zones;
  - (2) Commercial transaction zone licenses ~~Frozen food vendor's cart license~~, for retail sales of food, frozen foods, flowers and merchandise from carts located in commercial transaction zones; and,
  - (3) Special event licenses ~~Flower vendor's cart license~~, for retail sales of food, frozen foods, flowers and merchandise from carts located at special events.
- (b) Each vendor's cart license shall be issued to a specific licensee for a specifically identifiable cart.

(c) The controller shall designate each cart as either a food cart, a frozen food cart, a flower cart, or a merchandise cart.

(ed) The controller shall report in writing to the council by the fifteenth day of January of each ~~calendar~~ year the number and type of licensed carts in the city on the last day of December of the preceding ~~calendar~~ year.

Sec. 17-809 ~~961-202~~. Application for a license.

(a) An application for a license provided in this ~~article~~ chapter, shall be verified by the applicant under penalties of perjury, and shall contain such information as the controller may prescribe, ~~including the following information:~~

(b) An application for a franchise zone license or a commercial transaction zone license shall include the following information:

- (1) The name under which the business is to be conducted;
- (2) The name and address of the applicant and, if a firm, the name and address of each partner, or if a corporation, the names and addresses of its resident agents and officers, and of all persons who own or have an interest in the owners of the cart as defined in section 17-807 Section 961-103; and,
- (3) A physical description of the cart for which the license is desired.

(c) An application for a special event license shall include the following information:

- (1) The name under which the business is to be conducted, and the name, address and telephone number of the person making the application; and,
- (2) A physical description of the cart for which the license is desired.

Sec. 17-810 ~~961-203~~. Prerequisites to issuance of license.

The controller may consider the application only if ~~the following requirements are met:~~ (1) Applicable permits required by the Health and Hospital Corporation of Marion County and other regulatory agencies have been secured and are in force.

- (2) ~~The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator have been approved by the administrator of the division of development services for consistency with the objectives of this article.~~
- (3) ~~If the cart will be operated in the Regional Center, Regional Center approval has been secured from the department of metropolitan development.~~

Sec. ~~17-811~~ 961-204. Application fee; refund on denial.

(a) Each application for a license pursuant to this ~~division article~~ shall be accompanied by an application fee of ~~one hundred fifty dollars (\$150.00)~~; in an amount as follows:

- (1) For a franchise zone license, one hundred fifty dollars (\$150.00);
- (2) For a commercial transaction zone license, one hundred dollars (\$100.00); and,
- (3) For a licensee's first special event license in a calendar year, fifty dollars (\$50.00), and for a licensee's second and each subsequent special event license in a calendar year, twenty-five dollars (\$25.00).

(b) In the event the ~~action upon the application is favorable~~ license is granted, the application fee shall be retained by the controller as the first annual fee. In the event of a denial of the ~~application license, one hundred dollars (\$100.00)~~ fifty dollars (\$50.00), or twenty-five dollars (\$25.00) in the case of a special event license, of the application fee shall be ~~refunded with the remainder being retained to defray the administrative expense incurred in investigation and processing the application, and the remainder, if any, shall be refunded to the applicant.~~

Sec. ~~17-812~~ 961-205. Renewal fee.

(a) This section shall not apply to special event licenses, which are not renewable.

(b) Any qualified licensee not in violation of ~~the article this chapter~~ may annually renew the license for an additional year upon payment of an annual fee of ~~one hundred dollars (\$100.00)~~; in an amount as follows:

- (1) For a franchise zone license, one hundred dollars (\$100.00); and,
- (2) For a commercial transaction zone license, fifty dollars (\$50.00).

Sec. ~~17-813~~ 961-206. License period.

A franchise zone license and a commercial transaction zone license issued pursuant to this division shall be for a term ending December 31 of the calendar year in which it is issued; a special event license shall not exceed the term of the special event for which it is issued.

Sec. ~~17-814~~ 961-207. Effect of cessation of business.

No deductions shall be allowed from the fee for a license issued pursuant to this ~~division article~~ for any part of the term for which the licensee does not engage in such business.

Sec. ~~17-815~~ 961-208. Issuance and display of insignia.

(a) This section shall not apply to special event licenses.

(b) At the time the license is issued, the controller shall furnish an insignia for each cart consisting of a durable sign, not less than two (2) inches wide and three (3) inches long, upon which shall be inscribed "\_\_\_\_\_ Cart Vendor's License, Indianapolis, Indiana, \_\_\_\_\_," filling in the type of license, and the number of the license; the sign shall also identify the franchise zone or commercial transaction zone to which the license is allocated, and also the year during which the license shall be in force. Such sign shall be securely fastened in plain view on the outside of the cart. This sign may also indicate any limitations imposed by the controller on the operation of this cart.

Sec. ~~17-816~~ 961-209. Transferability.

(a) A license issued pursuant to this ~~division chapter~~ shall not be transferable to another licensee.

(b) A license may be permanently transferred to another cart with the permission of the controller and payment of a transfer fee of ~~fifty dollars (\$50.00)~~ twenty-five dollars (\$25.00).

~~(c) A license may be temporarily transferred to another cart for a total of not more than fourteen (14) days in any six (6) month period, if the licensee gives the controller written notice of the transfer; however, the time limitation provided in this section shall not apply to temporary transfers which are necessary because of breakdowns or other losses of a cart's use which are not attributable to the licensee.~~

~~Sec. 17-817 961-210. Bond, insurance and indemnity.~~

~~(a) A licensee shall provide a three thousand dollar (\$3,000.00) bond which is payable to the city and approved by the corporation counsel as to sureties and form. The bond shall be conditioned upon the faithful observance of all the provisions of this article and Code applicable to licensee and of all ordinances of the city and laws of this state concerning or regulating the merchandising and handling of the products so dealt in by the licensee; and it shall also be conditioned so as to indemnify any person obtaining a judgment against or accepting a settlement from the licensee because of any damage sustained on account of the violation by the licensee of any applicable terms of this article and Code or because of any misrepresentation or deception practiced upon such person by such licensee in operating the business.~~

~~(b) If a person holds more than one (1) license, the same bond may be used for each of the licenses.~~

~~(ea) The Each vendor's cart licensee shall provide a certificate of public liability insurance to the controller upon a form approved by the corporation counsel, insuring the licensee, and naming the City of Indianapolis, as co-insured, against the following liabilities and in the following amounts relative to such retail activity:~~

~~(1) Personal injury: \$100,000.00/\$300,000.00; and,~~

~~(2) Property damage: \$25,000.00/\$50,000.~~

~~(db) The licensee shall provide a document, approved by the corporation counsel, in which the licensee agrees to indemnify and hold harmless the city for losses or expenses arising out of the operation of carts.~~

~~Sec. 17-818. Special events permits.~~

~~(a) After December 31, 1989, the controller may issue special event permits to licensees under this division to operate at the sites of special events.~~

~~(b) Upon request by any licensee or whenever the controller determines such permits are consistent with this article, the controller shall designate the number of such permits to be issued for such event and the duration of such permits.~~

~~(c) The controller shall issue such permits in rotation to licensees.~~

~~(d) Licensees receiving such special permits shall abide by such restrictions as the controller may impose on such permits and also comply with such restrictions as the special event sponsor may require.~~

~~(e) Carts may not be operated or located in the area used for public events, or within four hundred (400) feet of such area unless the controller gives written permission. This written permission may set forth requirements and conditions which must be met by licensees.~~

~~Sec. 17-819 961-211. Restrictions on operation.~~

~~Each vendor's cart licensee, his agents and employees, shall comply with the following restrictions on cart operation:~~

~~(a) Limitations on selling include the following:~~

~~(1) Only beverages and food may be carried on or sold from a licensed food cart, only flowers from a licensed flower cart, and only frozen food from a licensed frozen food cart, and only merchandise from a licensed merchandise cart;~~

~~(2) Such retail sales shall not be accomplished by crying out or hawking;~~

- (3) A device may not be used which would amplify ~~or direct~~ sound, and in any area not in a commercial transaction zone, attention may not be drawn to such retail sales by any aural means or a light-producing device;
  - (4) Such retail sales may not be made to any person in or on any motorized vehicle; and,
  - (5) Beverages, dispensed in disposable cans, shall have any separable opening tabs removed at the time the cans are sold, unless otherwise requested by the purchaser.
- (b) *Prohibited locations include the following:*
- (1) No cart may be located in any public park or plaza, without written authorization from the governmental agency with general jurisdiction or control over ~~said~~ such park or plaza;
  - (2) The operator of a cart may not dispense ~~beverages or~~ food on the same side of the street within fifty (50) feet of a primary entry way into a ground level retail food establishment;
  - (3) No cart may be located ~~or make~~ nor any such retail sales be made in that part of a right-of-way utilized for motor vehicle traffic (commonly referred to as a street), a street median strip or an alleyway;
  - (4) No cart may be placed nor may such retail sales be made within twenty (20) feet of any posted bus stop, taxi stand, crosswalk, driveway or alleyway, within twenty (20) feet of the point at which the right-of-way lines of two (2) or more streets intersect or within six (6) feet of any building entrance, display window or walk-up window;
  - (5) No cart may be parked or located nor may food, frozen food, beverages, flowers or ~~food merchandise~~ be dispensed in a manner which would significantly impede or prevent the use of any ~~sidewalk or public area~~ city property, or which would endanger the safety or property of the public;
  - (6) ~~After December 31, 1989, carts shall be operated within the central city only within the franchise area for which a franchise permit has been issued for the cart pursuant to division 3 of this article. This provision does not prohibit a cart with such a franchise permit from also operating with Marion County outside of the central city. A cart with a franchise zone license shall be operated only within the franchise zone allocated under Section 961-303, or in any area not designated a franchise zone or commercial transaction zone; a cart with a commercial transaction zone license shall be operated only within the designated commercial transaction zone; and a cart with a special event license shall be operated only within the geographic boundaries of the special event; and~~
  - (7) the location of each merchandise vendor's cart not in a commercial transaction zone shall be approved by the controller.
- (c) *Operational requirements include the following:*
- (1) The licensee, his agents and employees shall be required to obey the commands of law enforcement officers or firemen with respect to activity carried out ~~on the sidewalks or public area~~ city property, including, where possible, the removal of the cart and cessation of such retail sales;
  - (2) ~~The cart~~ Wheeled carts not located in a commercial transaction zone must be taken removed from the sidewalk or public area city property when such retail sales are not being conducted;
  - (3) No wheeled cart may be permanently or temporarily affixed to any fixed object, and no stand may be permanently or temporarily affixed to any fixed object above ground level, including but not limited to buildings, trees, signs, telephone poles, streetlight poles, traffic signal poles or fire hydrants;
  - (4) Carts may be placed and any such retail sales may be made only on sidewalks which provide at least fourteen (14) feet of width from the curb line to the property line; provided that, a person licensed under this article may petition the ~~city~~ controller to allow operation of a cart ~~of~~ on a specified sidewalk having a width of less than fourteen (14) feet; ~~Such~~ petition may be

approved by the city controller only after the department of ~~transportation~~ capital asset management and the department of metropolitan development have approved the petition;

- (5) ~~Each cart must prominently display the license allowing such retail sales for public inspection at all times.~~
- (6) Each cart is to be operated by ~~one (1) and only one (1) person~~ no more than three (3) persons, and shall not be left unattended;
- (7) No cart may be used to advertise ~~the any product or service of another, which is not authorized to be sold from that cart; and,~~
- (8) ~~No cart shall display advertising decals or decorative embellishments not included in the original design approval.~~
- (9) Carts not located in a commercial transaction zone may not make use of any public or private electrical outlet while in operation or while located on a ~~street or sidewalk~~ city property.
- (d) General requirements include the following:
  - (1) Efforts shall be made by the licensee to protect ~~the sidewalk or public area~~ city property against littering; Each cart must have an adequate trash receptacle which is emptied sufficiently often to allow disposal of litter and waste by the public at any time; ~~The trash receptacle on the cart shall not be emptied into trash receptacles owned by the city; any liquid from a cart may not be discharged on or in a city sewer or drain or elsewhere on city property, nor on private property without the express written consent of the owner thereof;~~
  - (2) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created;
  - (3) Each cart shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred;
  - (4) Foods which present a substantial likelihood that liquid matter, particles or part of the food will drop to the street or sidewalk during the process of carrying or eating the food, shall be sold in proper containers; and,
  - (5) All carts licensed to sell food ~~or beverages~~ must place a nonporous material on the sidewalk beneath their carts in ~~order such a manner as~~ to prevent spillage from the cart, staining or otherwise damaging stains or other damage to the area around the carts. Acceptable materials include artificial turf, grass mats, or indoor/outdoor carpeting.

Sec. ~~17-820~~ 961-212. Restrictions on operation imposed by regulation.

The controller may by regulation impose appropriate conditions on the operation of carts by a licensee, his agent or employee in order to further the purposes of this ~~article~~ chapter, as follows:-

- (1) The controller ~~shall in accordance with this article~~ may by regulation limit the locations at which a cart may be operated or times during which a cart may be operated;
- (2) The controller shall may by regulation designate the kind of food, frozen food, flowers and ~~beverages~~ merchandise which may be sold; ~~The limits on the kind of retail sales which may be carried out established by the controller for one license may be different from those established for other licenses; The controller may make changes in the limits on the kind of retail sales which may be carried out at the end of the license term; and,~~
- (3) The controller may by regulation require compliance with other reasonable conditions.

Sec. ~~17-821~~ 961-213. Inspection.

Each licensee and employee of a licensee shall comply at all times with all statutes, ordinances and regulations relating to the operation of the carts and shall allow an inspection by persons assigned to such duty by the health and hospital corporation, ~~the division of code enforcement,~~ a department of the state or

the controller. If, upon inspection, any food, frozen food, beverages, flowers or food merchandise shall be found unwholesome, stale, diseased, spoiled or otherwise unfit for its intended purpose, the products shall forthwith be condemned and removed by the licensee from the vehicle cart or other place where found and destroyed; such products shall be neither sold nor given away.

Sec. ~~17-822~~ 961-214. Identification cards.

(a) This section shall not apply to special event licenses.

(b) Each licensee shall file with the controller the name and address together with two (2) photographs, two (2) inches by two (2) inches, of each employee who will be operating a cart and shall obtain from the controller an identification card for each employee. The identification card shall show the name and address of the employee, his the employee's photograph and the name and address of the holder of the cart license. The identification card shall be carried by the employee during all times ~~he~~ the employee operates a cart and shall be exhibited at any time on demand.

Sec. ~~17-823~~ 961-215. Compliance with law.

As to each licensee, his agent or employee, under this ~~article~~ chapter and each person so engaged in or operating any of the kinds of business covered by this ~~article~~ chapter, each person shall comply with and obey all provisions of this Code and zoning ordinances which are at any time applicable thereto, and any other ordinances and all statutes relating to such business and to the conduct thereof.

Sec. ~~17-824~~. ~~Restrictions on licensing which would tend to lessen competition.~~

~~No person who is in any way associated with one licensee under this article may be in any way associated with another licensee. For the purposes of this subsection, "associated with" means to have any financial interest in, to have any influence over the management or operation of, or to be an officer, employee or agent for a licensee. Violation of the provisions of this subsection shall be grounds for the denial of the application of any applicant and the immediate revocation of the license of any licensee.~~

DIVISION 3. CENTRAL CITY FRANCHISES  
ARTICLE III. FRANCHISE ZONES; ALLOCATION OF LICENSES

Sec. ~~17-825~~. Central city permits.

(a) ~~The controller shall issue central city franchise permits to the food cart vendor licensees for the respective franchise areas allocated through the process provided in section 17-827.~~

(b) ~~The controller may issue central city franchise permits to not more than ten (10) frozen food cart vendor licensees. Such permits shall designate the franchise areas in which the permittee may operate. If more than ten (10) frozen food cart vendor licensees request such permits, the controller shall conduct a random drawing among the licensees in a manner similar to that provided in section 17-827.~~

(c) ~~The controller may issue central city franchise permits to not more than ten (10) flower cart vendor licensees. Such permits shall designate the franchise areas in which the permittee may operate. If more than ten (10) flower food cart vendor licensees request such permits, the controller shall conduct a random drawing among the licensees in a manner similar to that provided in section 17-827.~~

(d) ~~No person shall be issued more than three (3) food cart vendor's licenses, more than two (2) frozen food cart vendor's licenses, more than two (2) flower cart vendor's licenses, or more than a total of four (4) licenses under this section.~~

Sec. ~~17-826~~ 961-301. Franchise areas zones designated.

(a) ~~The central city, and other areas of the city designated by the director of the department of metropolitan development, shall be divided into distinct franchise areas. The city controller on or before July 15, 1989, and thereafter bEfore July 15 of each any year (and within sixty (60) days after other areas may be designated) the controller shall divide the central city into not less than ~~thirty (30)~~ fifteen (15) nor more than fifty (50) distinct franchise areas zones and certify to the clerk of the council a map showing the boundaries of each franchise area zone. The franchise zones shall not include any geographic areas within commercial transaction zones designated under Article IV of this chapter.~~

(b) The purposes of establishing such franchise areas zones are to allow the operation of carts for benefit to the residents of the city as a whole by promoting pedestrian traffic in the downtown, making the downtown visually more attractive and making a product conveniently available to members of the public without creating disadvantages for residents of the city by creating a health or safety hazard or unreasonably impeding pedestrian flow.

(c) The total number of franchise areas zones which are established hereunder are based on consideration of the following:

- (1) The effect on pedestrian flow and safety in public areas and sidewalks;
- (2) The effect on promoting pedestrian traffic and making the downtown visually more attractive;
- (3) The effect upon the business of existing licensees and other retail sales of food, frozen food, beverages, flowers and food merchandise; and,
- (4) Whether the public is being adequately served by existing licensees and other retail sale of food, frozen food, flowers or beverages merchandise.

~~(d) Each franchise area shall be configured to accommodate a single food cart vendor. Two (2) food cart vendors may be permitted in a single franchise area if the controller determines there to be no rational basis for dividing it into two (2) areas. Each franchise area shall be numbered consecutively, and if two (2) food vendor carts are to be numbered consecutively, and if two (2) food vendor carts are to be permitted in an area shall be designated by the number (2) in parenthesis following the area number.~~

~~(ed) On or before August 15 of the year franchise areas zones are certified by the controller, the council may amend such areas zones. Such franchise areas zones as amended, or as certified if not so amended, shall be in effect until the next certifications hereunder.~~

Sec. 961-302. Designation of additional franchise zones.

(a) The controller at any time may designate additional franchise zones located outside the central city by certifying to the clerk of the council a map showing the boundaries of the additional franchise zones.

(b) Unless otherwise provided in this section, such additional franchise zones shall be subject to the same procedures, conditions and restrictions established for franchise zones under Section 961-301 and Section 961-303 of this article.

(c) A franchise zone licensee may request that the controller designate an additional franchise zone outside the central city, and allocate the licensee's license to that zone.

(d) If the controller designates the zone pursuant to the request and if the licensee is otherwise eligible and qualified under this chapter, then the controller shall allocate the licensee's license to the franchise zone for the balance of that calendar year and the entirety of the next two (2) subsequent calendar years. At the end of the second subsequent calendar year, the zone shall become a nonprotected franchise zone, and a license or licenses shall be allocated to it in the same manner as provided in Section 961-303.

(e) The boundaries of a franchise zone designated pursuant to a request under this section shall not be less than two hundred fifty (250) feet in each direction from the site of the licensee's cart.

Sec. 17-827 961-303. Allocation of franchise areas zone licenses among zones.

~~(a) On or before August 20, 1989, and thereafter on or before August 20 1 of each year, the holder of a licensee in any nonprotected franchise zone may notify the controller in writing that the holder licensee elects to protect remain in such nonprotected franchise area zone for the next annual license period calendar year. If such holder licensee is otherwise qualified for renewal of that license, the controller shall allocate such franchise area zone license to such holder zone as a protected franchise area zone.~~

(b) A franchise zone can only be protected for one consecutive annual drawing.

~~(bc) Between September 1 and September 30, 1989, and thereafter between September 1 and September 30 of each year, the controller shall conduct a public drawing of all franchise zone licenses.~~

whether designated as food carts, frozen food carts, flower carts or merchandise carts, to allocate them among all nonprotected franchise areas zones for a term beginning January 1 and ending December 31 of the following year. Within a single franchise zone, the controller may not allocate more than two (2) food cart licenses, one (1) frozen food cart license, one (1) flower cart license, and one (1) merchandise cart license.

(ed) At least twenty (20) days prior to the public drawing, the controller shall give notice of such drawing by mail to each ~~food vendor's cart~~ franchise zone licensee and by publication as provided in IC 5-3-1-2(i). Such notice shall state the time, date and place of the drawing, a list of all franchise areas zones available for selection at such drawing, and a general description of the method by which the drawing shall be conducted.

(de) Each franchise zone licensee, whose license is not assigned to a protected franchise area zone, may participate in the drawing by paying a participation fee of twenty-five dollars (\$25.00) per license before September 1 of the year of a drawing. Such fee shall be nonrefundable. Participating licensees and non-protected franchise areas zones shall be drawn at random. Successful participants may, within forty-eight (48) hours after the drawing, trade franchise areas zones. The remaining licensees shall be drawn and shall be eligible in that order for any franchise areas zones becoming available before the next drawing, except a zone created pursuant to a request by a licensee under Section 961-302. It shall be unlawful for any participant to offer or accept any thing of value as consideration for trading franchise areas zones.

~~Sec. 17-828. Franchise permit.~~

~~Whenever a central city franchise permit is issued, the controller shall furnish insignia to be affixed to the cart which shall identify the franchise area in which the cart is permitted to operate.~~

~~Sec. 961-304. Restriction on licensee's number of carts.~~

(a) Within the geographic areas of all franchise zones designated pursuant to this article, no person may own or have an interest in more than three (3) food carts, more than three (3) frozen food carts, more than three (3) flower carts, or more than three (3) merchandise carts.

(b) A violation of this section shall be grounds for the denial of the application of any applicant and the immediate revocation of the license of any licensee.

~~Sec. 17-829 961-305. Restrictions on operations in franchise areas zones.~~

(a) ~~Hours of operation. Operators of carts selling food and beverages may place their carts for operation anytime and anywhere in the licensee's franchise area except that between 11:00 a.m. and 1:30 p.m., Monday through Friday, carts from which food or beverage are sold may be placed for operation only within two (2) locations specified by the controller in each franchise area. One (1) location shall be on or directly abutting a public park or place within such franchise area as directed by the controller. The boundaries of these locations shall be defined by the controller. In each dual franchise area, the controller, shall schedule the two (2) carts for the locations in such a manner so that each licensee has approximately equal access to business opportunities (e.g., each cart at one (1) location on alternate days).~~

(ba) ~~Separation of carts. Within a single franchise zone, and at any place not in a commercial transaction zone, a A cart may not be placed for operation within one hundred (100) feet of another cart of the same designation, or at a location within forty (40) feet of a place where another cart of a different designation is placed for operation. Where two (2) or more carts are so located, the cart which has been most recently located in violation of this provisions shall be required to move so as not to be in violation.~~

(eb) ~~Prohibited locations. At any place not in a commercial transaction zone, a A cart may not be placed for operation at a location directly in front of the primary entrance to a retail business, office building or church. The area in which a cart may not be placed is defined by the doorway line, lines running on either side of the door to the nearest curb, and the curb lines.~~

(dc) ~~City Market Square. During the hours from 6:00 a.m. to 6:00 p.m., Monday through Saturday, except holidays when the City of Indianapolis offices or Marion County offices are closed, carts may not be located or operated within an area bounded as follows: on the north--The by the north right-of-way line of~~

Ohio Street, ~~on the south~~—~~The~~ by the south right-of-way line of Market Street, ~~on the west~~—~~The~~ by the west right-of-way line of Delaware Street, and ~~on the east~~—~~The~~ by the east right-of-way line of Alabama Street.

ARTICLE IV. COMMERCIAL TRANSACTION ZONES; LICENSES

Sec. 961-401. Establishment of the Circle Centre Zone.

A commercial transaction zone to be known as the "Circle Centre Zone" is hereby established. The Circle Centre Zone shall be comprised of all city property which lies within the following area:

- (1) (On the north) beginning at the intersection of the west right-of-way line of Illinois Street and the center line of Market Street; thence east along the center line of Market Street to the inside right-of-way line of Monument Circle on the west side of the monument; thence curving in a southeasterly direction along the inside right-of-way line of Monument Circle to a point where it intersects with the center line of Meridian Street on the south side of the monument; thence in a straight line southeast to the intersection of the outside right-of-way line of Monument Circle and the east right-of-way line of Meridian Street; thence south along the east right-of-way line of Meridian Street to the north right-of-way line of Washington Street; thence east along the north right-of-way line of Washington Street a distance of approximately two hundred and ten (210) feet to a point mid-way between Meridian Street and Pennsylvania Street;
- (2) (On the east) thence south in a straight line to the north right-of-way line of the Consolidated Rail Corporation (Conrail) which runs through Union Station;
- (3) (On the south) thence west along the north right-of-way line of the Consolidated Rail Corporation to the center line of Capitol Avenue;
- (4) (On the west) thence north along the center line of Capitol Avenue to the south right-of-way line of Chesapeake Street; thence east along the south right-of-way line of Chesapeake Street a distance of approximately two hundred and fifty-six (256) feet to a point mid-way between Capitol Avenue and Illinois Street; thence north in a straight line a distance of approximately eight hundred and ninety (890) feet to the north right-of-way line of Washington Street; thence east along the north right-of-way line of Washington Street to the west right-of-way line of Illinois Street; thence north along the west right-of-way line of Illinois Street to the center line of Market Street.

Sec. 961-402. Establishment of the Canal Walk Zone.

A commercial transaction zone to be known as the "Canal Walk Zone" is hereby established. The Canal Walk Zone shall be comprised of all city property which lies within the following boundaries:

- (1) Two hundred and fifty (250) feet on either side of the canal, measured from the center line; and,
- (2) From the south right-of-way line of Eleventh Street on the north, to the White River on the south.

Sec. 961-403. Establishment of additional commercial transaction zones.

In addition to the Circle Centre Zone and the Canal Walk Zone, the controller may establish additional commercial transaction zones, the boundaries of which shall be subject to the approval of the council.

Sec. 961-404. Commercial transaction zone licenses; management.

- (a) The controller shall issue commercial transaction zone licenses, subject to the procedures, conditions and restrictions provided for vendor's cart licenses under Article II of this chapter.
- (b) In addition to the license required by this chapter, the controller may condition the licensee's activities on the grant of a license with respect to the real property upon which the licensee's cart would be located.
- (c) The controller may enter into a professional services agreement for the discharge of the duties of the controller with respect to commercial transaction zone licenses. In any such agreement, the controller

shall retain authority to oversee the activities of licensees, including the responsibility for enforcement of this chapter.

Sec. 961-405. Restriction on licensee's number of carts.

No person may own or have an interest in more than one (1) cart in a commercial transaction zone, or twenty (20) percent of the carts in a commercial transaction zone, whichever is greater.

ARTICLE V. SPECIAL EVENTS; LICENSES

Sec. 961-501. Designation of special events.

(a) Each year, the controller shall designate and authorize the following events as special events under this article:

- (1) The 500-Mile Race Festival;
- (2) Circlefest;
- (3) The Indiana Black Expo concert;
- (4) The Mid-Summer Fest;
- (5) The St. Patrick's Day Parade;
- (6) The Circle City Classic Parade; and,
- (7) The Celebration of Lights.

(b) With respect to each of the special events designated in this section, the controller shall exercise the duties and authority provided for the controller in this article.

(c) The controller may designate and authorize special events other than those listed in this section under the authority and procedures provided in this article.

Sec. 961-502. Authorization of special events; conditions.

(a) Prior to its occurrence, a special event must be designated and authorized by the controller. To determine whether a special event should be authorized, the controller shall consult with city officials responsible for traffic control, public safety, and right-of-way clean-up and maintenance, and further may request or receive recommendations from any special event sponsor. The controller may specify reasonable conditions to the approval of a special event.

(b) The authorization shall be issued in writing and shall prescribe the geographic boundaries, conditions, and duration of the special event.

Sec. 961-503. Special event licenses.

(a) With the assistance and recommendation of the special event sponsor, the controller is authorized to issue special event licenses, and may:

- (1) Designate a specific location for each licensee under this article to engage in licensed activities pursuant to this section; and,
- (2) Approve a list of the food, frozen food, flowers and merchandise which licensees under this article are authorized to sell.

(b) Notwithstanding any other provision of this code, licensees under this article shall be permitted to engage in licensed activities upon city property within the geographic boundaries during the term of the special event, subject to any applicable conditions or restrictions imposed under this article or sections 961-211 and 961-212.

Sec. 961-504. Activities of Vendor's cart licensees during special events.

(a) Notwithstanding any other provision of this code, a franchise zone licensee or commercial transaction zone licensee whose zone is at least in part included within the geographic boundaries of a special event, and who desires to engage in licensed activities during the special event, may do so with the written approval of the controller, in consultation with the special event sponsor.

(b) Such licensee:

(1) Shall not be required to obtain a special event license in addition to the franchise zone license or commercial transaction zone license; and,

(2) May engage in licensed activities during the term and within the geographic boundaries of the special event, subject to any conditions or restrictions imposed by the controller.

(c) A vendor cart licensee who has not been issued a special event license and who has not received written approval of the controller as provided in this section, may not engage in activities under the vendor cart license within the geographic boundaries or during the term of a special event.

Sec. 961-505. Display of license and prices; violations.

(a) Prior to the commencement of the special event, the controller shall issue special event licenses to licensees.

(b) Throughout the duration of the special event, each licensee shall display the license on the cart in public view as a means of identification, and post a list of the licensee's prices.

(c) It shall be unlawful for any licensee to fail to display the special event license, or to charge prices in excess of the posted prices, as required by this section. Each day a violation of this section continues shall constitute a separate offense, and shall be punishable as provided by Sec. 103-3 of this code.

DIVISION 4 ARTICLE VI. REVOCATION AND ENFORCEMENT

Sec. ~~17-830~~ 961-601. Revocation of license for nonuse.

(a) This section shall only apply to franchise zone licenses.

(b) The controller may, following a hearing, revoke any ~~food vendor's cart~~ franchise zone license if that cart has not been used ~~annually~~ for retail sales for the minimum number of days indicated at specified dates, as follows:

\_\_\_\_\_ *Minimum Days of Use* \_\_\_\_\_ *Dates*

(1) Twenty (20) days by May 1;

(2) Fifty (50) days by July 1; and,

(3) Eighty (80) days by September 1.

Sec. ~~17-831~~ 961-602. Revocation of license for violation of requirements.

The controller may, after a hearing, revoke a license for a cart or, if appropriate, revoke all of the licenses for carts held by a single licensee, if it is found:

(1) The application contained a material misstatement;

(2) The licensee, his agent or employee is not currently complying with ~~section 17-806~~ sections 961-102, 961-211, or 17-826 961-305;

(3) The licensee, his agent or employee has been found to have violated a health code or zoning requirement while operating a cart;

- (4) The licensee, his agent or employee is in significant violation of any section of or any regulation promulgated under, this article chapter; or
- (5) The licensee, his agent or employee has been found to be in violation of section 17-6 of ~~this chapter~~ the code.

Sec. ~~17-832~~ 961-603. Penalty for violations.

(a) Any violation of any provision of this ~~article chapter~~ shall be subject to the general penalty for violating this Code as contained in section ~~1-8 103-3~~. Any license issued pursuant to this ~~article chapter~~ may be suspended or revoked by the controller as provided by ~~Division 4~~ of this article.

(b) Each day a violation of this chapter continues shall constitute a separate offense.

(bc) Any three (3) ~~convictions judgments~~ of violations of ~~Article XXIII of the Code of Indianapolis and Marion County, Indiana~~ this chapter, or of regulations ~~issued promulgated~~ by the controller under this chapter, within any twelve-month period of time shall be an automatic cause for license revocation of that vendor's cart license for the balance of the current licensee period with no repayment of licensing fees.

Sec. ~~17-833~~ 961-604. Appeals to license review board.

A decision of the controller made under ~~section 17-811, 17-830, Sections 961-204, 961-304, 961-601 or 17-831 961-602~~ is appealable to the license review board pursuant to section 17-68 of ~~this chapter~~ the code. Other decisions made by the controller under this ~~article chapter~~ are not appealable to the license review board.

SECTION 2. Article IV of Chapter 17 (Sections 17-111 through and including 17-149) of the "Code of Indianapolis and Marion County, Indiana" concerning the 500 Festival, is hereby superseded and repealed as of the effective date of this ordinance.

SECTION 3. Article III of Chapter 22 (Sections 22-51 through and including 22-58) of the "Code of Indianapolis and Marion county, Indiana" concerning the designation of food and beverage concessionaires at amateur athletic events, is hereby superseded and repealed as of the effective date of this ordinance.

SECTION 4. Article IX of Chapter 20 (Sections 20-208 through and including 20-210) of the "Code of Indianapolis and Marion County, Indiana" concerning the sale of tickets for the National Football League's "1992 Super Bowl" exhibition at the RCA Dome, is hereby repealed as of the effective date of this ordinance.

SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. Notwithstanding the foregoing, each franchise area established under Section 17-826 of the "Code of Indianapolis and Marion County, Indiana" which is in whole or in part contiguous with the area of a commercial transaction zone established under Article IV herein, shall be reduced in size to exclude the area of the commercial transaction zones.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

Councillor Short asked for consent for Proposal No. 802, 1995 to be moved up on the agenda due to visitors in the audience. Consent was given.

PROPOSAL NO. 802, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 802, 1995 on December 4, 1995. The proposal approves extension of cable franchise of American Cablevision of Indianapolis until June 1, 1996. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor McClamroch, for adoption. Proposal No. 802, 1995 was adopted on the following roll call vote; viz:

*23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Smith, Tilford, West, Williams*

*0 NAYS:*

*5 NOT VOTING: Giffin, Gilmer, Hinkle, Shambaugh, Short*

*1 ABSENT: Jones*

Proposal No. 802, 1995 was retitled SPECIAL RESOLUTION NO. 106, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 106, 1995

A SPECIAL RESOLUTION approving an extension of the expiration date of the cable franchise of American Cablevision of Indianapolis until June 1, 1996.

Whereas, the current cable franchise of Time-Warner Entertainment-Advance/Newhouse Partnership, d.b.a. American-Cablevision of Indianapolis (the operator) will expire on February 19, 1996; and

Whereas, formal renewal proceedings under Federal Law have been suspended while informal negotiations are proceeding between the City and the operator; and

Whereas, formal proceedings under Federal Law should resume four months prior to the expiration of the franchise; now, therefore

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

SECTION 1. Upon recommendation of the Cable Franchise Board, the Chairman of the Cable Franchise Board and the Mayor are authorized to execute an extension of the operator's cable franchise until June 1, 1996, upon such terms as will protect the rights of both parties to the formal renewal proceedings as set forth in Federal Law.

Councillor Curry asked for consent for Proposal No. 764, 1995 to be moved up on the agenda due to interested parties in attendance. Consent was given.

PROPOSAL NO. 764, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 764, 1995 on December 4, 1995. The proposal approves an information technology operating agreement between the City/County and the SCT Software and Resource Management Corporation. Councillor Curry explained the 16-month process of evaluation of what was needed and subsequently of the proposal bids which resulted in the choice of SCT. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Beadling, for adoption. Proposal No. 764, 1995, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Giffin, Golc, Moriarty Adams

1 ABSENT: Jones

Proposal No. 764, 1995, as amended, was retitled SPECIAL ORDINANCE NO. 22, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 22, 1995

A SPECIAL ORDINANCE authorizing an Information Technology Operating Agreement made and entered into by the City of Indianapolis and Marion County, Indiana, acting by and through the Information Services Agency ("ISA") Board, ("City-County") and SCT Software and Resource Management Corporation ("SCT").

WHEREAS, the City-County received proposals from parties interested in operating, maintaining, and managing the City/County's information services facilities, including data center, data network, LAN/desktop/server facilities and components, help desk, disaster recovery facilities, education and training, applications development/maintenance functions, data administration functions, technology framework functions, and security functions; and

WHEREAS, SCT's response to the Request for Proposal was selected by the City-County because of SCT's experience, knowledge and resources in providing information services to local governments in an efficient, cost-effective and controlled manner with a high degree of quality and responsiveness; and

WHEREAS, the City-County and SCT have negotiated the terms by which SCT would operate, maintain, and manage the City-County's information services facilities, and such terms are in the proposed operating agreement which is in substantially final form and is on file with the Clerk of the Council; and

WHEREAS, IC 36-1-14.3-9 requires that the Operating Agreement be approved by the City-County Council; now, therefore:

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

SECTION 1. The Council hereby approves the operation, maintenance, and management of the City-County's information services facilities pursuant to the terms of the Operating Agreement which is in substantially final form and is on file with the Clerk of the Council.

SECTION 2. The Council hereby delegates to the ISA Board the authority to approve changes to the Operating Agreement prior to the Effective Date, provided that the net financial impact of such changes shall not increase the costs defined in Section 10.1 and Schedule C of the Operating Agreement by more than ten (10) percent. The Council also delegates to the ISA Board, acting by and through its chair, the authority to execute the Operating Agreement.

SECTION 3. This Resolution shall be effective upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 755, 757, 758 and 759, 1995 Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 755, 757, 758 and 759, 1995 on December 11, 1995. PROPOSAL NO. 755, 1995. The proposal allows for an appropriation of \$150,000 for the County Sheriff to pay the increased food expense due to a larger inmate population financed by transfers of other appropriations within the department's County General Fund. By a 6-0 vote, the Committee reported the proposal to the Council with recommendation that it do pass as amended. PROPOSAL NO. 757, 1995. The proposal approves an appropriation of \$38,300 for the Prosecutor's Child Support IV-D Agency to cover contractual consultant expense financed by transfers of appropriations within the agency's County General Fund. By a 7-0 vote, the Committee reported the proposal to the Council with recommendation that it do pass. PROPOSAL NO. 758, 1995. The proposal calls for an appropriation of \$900 for the Superior Court, Criminal Division, Room Four, to pay for maintenance agreement, postage,

and electrical work expenses financed by a transfer within the court's County General Fund. By an 8-0 vote, the Committee reported the proposal to the Council with recommendation that it do pass. PROPOSAL NO. 759, 1995. The proposal corrects Fiscal Ordinance No. 177, 1995 for the Superior Court, Criminal Division, Probation Department. By an 8-0 vote, the Committee reported the proposal to the Council with recommendation that it do pass.

Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal Nos. 755, 757, 758 and 759, 1995 were adopted on the following roll call vote; viz:

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

Proposal No. 755, 1995 was retitled FISCAL ORDINANCE NO. 141, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional One Hundred Fifty Thousand Dollars (\$150,000) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (z) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff for food due to increased number of prisoners in the lockup and County Jail.

SECTION 2. The sum of One Hundred Fifty Thousand Dollars (\$150,000) 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>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	30,000
3. Other Services and Charges	<u>120,000</u>
TOTAL INCREASE	150,000

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

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>150,000</u>
TOTAL DECREASE	150,000

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

Proposal No. 757, 1995 was retitled FISCAL ORDINANCE NO. 142, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Thirty-eight Thousand Three

Hundred Dollars (\$38,300) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (x) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecutor's Child Support IV-D Agency for contractual consultants to make recommendations for reorganization and re-engineering of that office.

SECTION 2. The sum of Thirty-eight Thousand Three Hundred Dollars (\$38,300) 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>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	38,300
TOTAL INCREASE	38,300

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

<u>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	6,800
4. Capital Outlay	31,500
TOTAL DECREASE	38,300

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

Proposal No. 758, 1995 was retitled FISCAL ORDINANCE NO. 143, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Nine Hundred Dollars (\$900) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Four and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (hh) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Room Four for maintenance agreement, postage and electrical work expense.

SECTION 2. The sum of Nine Hundred Dollars (\$900) 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>SUPERIOR COURT, CRIMINAL DIVISION, ROOM FOUR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	900
TOTAL INCREASE	900

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM FOUR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	900
TOTAL DECREASE	900

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

Proposal No. 759, 1995 was retitled FISCAL ORDINANCE NO. 144, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Four Thousand Dollars (\$4,000) in the County General Fund and transferring and appropriating an additional Four Thousand Dollars (\$4,000) in the Supplemental Adult Probation Use Fee Fund to correct Fiscal Ordinance No. 117, 1995 for purposes of the Superior Court, Criminal Division, Probation Department and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (II) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Probation Department to correct Fiscal Ordinance No. 117, 1995.

SECTION 2. The sum of Eight Thousand Dollars (\$8,000) 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>SUPERIOR COURT, CRIMINAL DIVISION</u>	<u>SUPPLEMENTAL ADULT</u>
<u>PROBATION DEPARTMENT</u>	<u>PROBATION USER FEES</u>
3. Other Services and Charges	4,000
TOTAL INCREASE	4,000
<u>SUPERIOR COURT, CRIMINAL DIVISION</u>	<u>COUNTY GENERAL FUND</u>
<u>PROBATION DEPARTMENT</u>	
4. Capital Outlay	4,000
TOTAL INCREASE	4,000

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

<u>SUPERIOR COURT, CRIMINAL DIVISION</u>	<u>COUNTY GENERAL FUND</u>
<u>PROBATION DEPARTMENT</u>	
3. Other Services and Charges	4,000
TOTAL DECREASE	4,000
<u>SUPERIOR COURT, CRIMINAL DIVISION</u>	<u>SUPPLEMENTAL ADULT</u>
<u>PROBATION DEPARTMENT</u>	<u>PROBATION USER FEES</u>
4. Capital Outlay	4,000
TOTAL DECREASE	4,000

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

PROPOSAL NO. 776, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 776, 1995 on December 11, 1995. The proposal approves the disbursement of \$731,949 from the Drug Free Community Fund for various county agencies. An amendment was made to include the Beech Grove School program as one of the agencies to receive funds and a reduction in total dollars to \$729,232.75. By a 7-1 vote, the Committee reported the proposal to the Council with a recommendation that it do pass as amended.

Councillor Jimison added that she had voted against the passage of Proposal No. 776, 1995 because of her dissatisfaction with the way the I-Challenge and the Marion County Justice Agency Board have handled things in the past. She feels the Council needs to be better stewards of the taxpayers' money than to continue to fund an agency that repeatedly experiences questionable and seemingly invalid non-productivity. Continuing to grant funding to their projects will not resolve the problem that exists between I-Challenge and the Justice Agency.

The President asked Councillor West to qualify the group I-Challenge. Councillor West explained that court fees were collected in each county for drug-related cases and were paid into a central fund which may be used for prevention (25%), treatment (25%), justice or law enforcement through courts (25%), and the final 25% can be spent in any of the three areas. Councillor West agreed that there was lack of communication between the groups, but that I-Challenge was a valid agency which was governed by state law and more communication was definitely needed.

Councillor Dowden agrees with Councillor Jimison that the State needs to re-visit how the I-Challenge program has been established because he feels some changes do need to be made.

Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 776, 1995, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 776, 1995, as amended, was retitled SPECIAL RESOLUTION NO. 107, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 107, 1995

A SPECIAL RESOLUTION approving the disbursement of Seven Hundred Twenty-nine Thousand, Two Hundred and Thirty-two Dollars and Seventy-five Cents (\$729,232.75) from the Drug Free Community Fund for purposes of various Marion County agencies.

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

SECTION I. To adopt the recommendations of the I-Challenge Board to various agencies as recommended by the Marion County Justice Board on November 6, 1995.

SECTION 2. The following recommendations are hereby approved:

GIRLS INC. OF INDPLS: \$42,877.00

COMMUNITY CTRS. OF INDPLS: \$47,350.00

PERRY TWP. FAMILIES IN ACTION: \$ 14,879.00

GREATER INDPLS COUNCIL ON ALCOHOLISM: \$23,584.00

KALEIDOSCOPE: \$ 41,484.00

December 11, 1995

MARTIN UNIVERSITY: \$56,202.00

COMMUNITY ADDICTION SVCS. OF INDIANA: \$75,246.25

SOUTHSIDE YOUTH COUNCIL: \$ 49,911.00

MARION COUNTY PROSECUTOR'S OFFICE: \$103,000.00

MARION COUNTY JUSTICE AGENCY: \$ 70,000.00

INDIANAPOLIS POLICE DEPT.: \$19,500.00

MARION COUNT DRUG COURT: \$64,000.00

MOTHERS AGAINST DRUNK DRIVING: \$5,000.00

MARION COUNTY FORENSICS SERVICES: \$104,474.50

BEECH GROVE SCHOOLS: \$11,725.00

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

PROPOSAL NO. 781, 1995 Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 781, 1995 on December 11, 1995. The proposal corrects Fiscal Ordinance No. 100, 1995 for the Prosecuting Attorney and the County Auditor. Councillor Dowden explained that the correction was to put personal services fringes in the proper category in the County Auditor's budget through a State federal grant that had inadvertently been placed in the Prosecuting Attorney's personal services. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 781, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 781, 1995 was retitled FISCAL ORDINANCE NO. 145, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Seventeen Thousand Five Hundred Dollars (\$17,500) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor and reducing certain other appropriations for those agencies.

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(w,b) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney and County Auditor to amend Fiscal Ordinance No. 100 which transferred appropriations out of fringes instead of salaries. State and Federal Grant involved is the Traffic Safety Program.

SECTION 2. The sum of Seventeen Thousand Five Hundred Dollars (\$17,500) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	<u>17,500</u>
TOTAL INCREASE	17,500

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

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>17,500</u>
TOTAL DECREASE	17,500

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

PROPOSAL NO. 784, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 784, 1995 on December 5, 1995. This proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps #7, #8, #10, and #15. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Gilmer, for adoption. Proposal No. 784, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 784, 1995 was retitled GENERAL ORDINANCE NO. 216, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 216, 1995

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

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

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

SECTION 1. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended to update specifically base maps #7, #8, #10, and #15 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land within the area noted

on the four sections of base map #7, the four sections of base map #8, the four sections of base map #10, and the four sections of base map #15 are hereby classified, divided and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby updating said Comprehensive Zoning Maps to include various rezonings by individual legal description or map amendments adopted subsequent to Metropolitan Development Commission docket number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to August 1, 1995, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in a subsequent map updating amendment hereto).

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

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

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

PROPOSAL NO. 531, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 531, 1995 on several occasions, the last meeting being on December 6, 1995. This proposal empowers the Board of Capital Asset Management to promulgate rules and regulations concerning the administration of public construction contracts. Councillor Gilmer explained the proposal required any contractor to bring to the attention of the DCAM staff and engineers any savings in the method of construction, and that the savings be split 50-50 by the contractor and the City. By a 6-0 vote, the Committee reported the proposal to the Council with a recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 531, 1995, as amended, was adopted on the following roll call vote; viz:

*25 YEAS: Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, West, Williams*

*0 NAYS:*

*3 NOT VOTING: Brents, Giffin, Golc*

*1 ABSENT: Jones*

Proposal No. 531, 1995, as amended, was retitled GENERAL ORDINANCE NO. 217, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 217, 1995

A GENERAL ORDINANCE empowering the Board of Capital Asset Management to promulgate rules and regulations concerning the administration of public construction contracts.

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

SECTION 1. Sec. 271-25 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined to read as follows:

Sec. 271-25. Powers.

The capital asset management board shall:

- (1) Review all budgets of the metropolitan thoroughfare district and the department prepared for or proposed by the department and shall recommend to the city-county council any revisions or adjustments as the board deems desirable.
- (2) Hold any hearings to be held following public notice and make such findings and determinations required by applicable law to be made after such hearing, including but not limited to the issuance of special taxing district bonds.
- (3) Approve the award and amendment of contracts by the department for the purchase or lease of capital equipment, supplies, materials, services, or other property where the contract is required to be bid under IC 36-1-9.
- (4) Approve the award and amendment of public construction contracts required to be bid under IC 36-1-12.
- (5) Approve the acquisition of and leases for real estate.
- (6) Approve the disposal of property by department as specified in IC 36-1-11.
- (7) Approve the employment of persons engaged by contract to render professional or consulting services.
- (8) Accept streets and roads into the public road system after dedication pursuant to the procedure set forth in chapter 28 of the 1975 Code of Indianapolis and Marion County.
- (9) Hold hearings on appeal from denial of permits or waivers under the jurisdiction of the department of capital asset management.
- (10) Exercise the powers granted to the board of public works by IC 36-9-18, IC 36-9-19, and IC 36-9-20, IC 36-9-21 and IC 36-9-22, IC 36-9-37, IC 36-9-38 and IC 36-9-39.
- (11) Exercise all powers granted to the transportation board or capital asset management board by IC 36-9-6.5 and IC 36-9-11.1.
- (12) Contract with any individual or corporation for providing streetlights, maintenance for streetlights and lighting for streets, alleys or public places, but any such contract shall be submitted to the city-county council for approval. No such contract shall be for a term of longer than twenty-five years.
- (13) To enter into a franchise, grant or contract authorizing a telephone, telegraph, electric light, gas, water, steam, railroad, or interurban company or any other person or corporation to erect and use structures in streets, alleys or other public places in the city. Any such franchise, grant, or contract is subject to conditions imposed by chapter 31 of the 1975 Code. This power shall not be construed in any way to interfere with the exclusive power of the cable franchise board established in section 8 1/2-40 of the 1975 Code of Indianapolis and Marion County or the power of the board of public works pursuant to IC 36-9-31.
- (14) Exercise flood control power as described in IC 36-9-29.1, and drainage power as described in IC 36-9-27.
- (15) Exercise all powers not specifically stated herein formerly granted to the board of transportation or the board of capital asset management and not transferred to the board of public works pursuant to IC 36-3-4-23.
- (16) Exercise the powers given to the board of public works or transportation or capital asset management in Chapters 7, 10 1/2, 28, 29 (except Article IV, Division 3), 31, and 671, Articles II, V, and VII.

(17) Promulgate rules and regulations with respect to contract administration and compliance of public construction pursuant to contracts awarded by the board or department with regard to cost reduction incentives; provided the provisions to amend and promulgate rules and regulations herein granted shall expire on December 31, 1997, unless otherwise extended by the City-County Council.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 728, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 728, 1995 on December 6, 1995. The proposal permits additional materials for right-of-way restoration. Councillor Gilmer explained the new material called flowable fill, which would provide greater durability and long-term savings. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal No. 728, 1995 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Giffin, Golc*

*1 ABSENT: Jones*

Proposal No. 728, 1995 was retitled GENERAL ORDINANCE NO. 218, 1995 and reads as follows:

CITY COUNTY GENERAL ORDINANCE NO. 218, 1995

A GENERAL ORDINANCE amending the Code with respect to right-of-way restoration materials.

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

SECTION 1. Sec. 28-328 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text to read as follows:

Sec. 28-328. Standards for restoration of the public right-of-way.

(a) In general. All cuts, excavations, or other damage done to the right-of-way pursuant to a valid right-of-way permit shall be restored in such a way as to return the right-of-way to its condition prior to any work performed in connection with a valid right-of-way permit. Restoration of the public right-of-way upon completion of work performed under a valid right-of-way permit shall be performed by the permit holder in accordance with the standards set forth in this section and the applicable regulations adopted by the transportation board.

(b) Specifications of materials. All materials, unless specifically stated otherwise, shall be in accordance with current "Indiana State Highway Commission Standard Specifications" and all revisions

and addendums to that document. Flowable fill shall comply with the department of capital asset management technical specification on flowable fill.

(1) Granular backfill:

- |              |   |
|--------------|---|
| (A) Subgrade | sand or "B" borrow <u>flowable fill</u> |
| (B) Subbase  | No. 53 stone <u>flowable fill</u>       |

(2) Concrete:

- |                        |  |
|------------------------|--|
| Cement content         | 6 bags per cubic yard, high early strength |
| Comprehensive strength | 4,000 PSI                                  |
| Slump                  | 3 to 5 inches                              |
| Air entrainment        | 5 to 8 per cent                            |
| Coarse aggregate       | size 5L                                    |
| Fine aggregate         | 6 14A or 14B                               |

Retempering concrete by adding water or by other means will not be permitted for continuous operation. When concrete is delivered in transit mixers or agitators, water may be added and additional mixing performed in particular cases to increase the slump. The addition of water and mixing shall be under the direction a DOT inspector or engineer.

(3) Asphalt:

- |                                    |  |
|------------------------------------|--|
| (A) Hot asphaltic emulsion-Surface | Type IV mixture  |
| (B) Hot asphaltic emulsion-Base    | No. 4, No. 5, No. 5D   |
| (C) Hot asphaltic emulsion-Binder  | No. 8, No. 9   |
| (D) Hot asphaltic concrete-Surface | Type "B" mixture   |
| (E) Hot asphaltic concrete-Base    | No. 4, No. 5   |
| (F) Hot asphaltic concrete-Binder  | No. 8, No. 9   |
| (G) Prime coat                     | Asphalt emulsion AE-PL   |
| (H) Tack coat                      | Asphalt emulsion AE-T  |
| (I) Cold mix bituminous            | No. 5 limestone Class A<br>No. 11 limestone Class A<br>No. 24 natural sand<br>Modified AE-300 or Modified AE-150 |

(i) Coarse patch mix. Cold mix bituminous coarse patch mix shall consist of a blend of No. 5 stone, No. 11 stone and No. 24 natural sand in accordance with the following percentage by weight: No. 5 stone, 40 per cent; No. 11 stone, 20 per cent; and No. 24 sand, 40 per cent. The bitumen residue (determined by ASTM D27 12 Method E vacuum extraction) shall be 4.4 + 0.3 (6.3 per cent AE-300 or AE-150 modified with moisture). Only coarse patch mix previously approved by the DOT at the manufacturing plant may be used.

(ii) Fine patch mix. Cold mix bituminous fine patch mix shall consist of a blend of No. 11 stone and No. 24 natural sand in accordance with the following percentage by weight: No. 11 stone, 60 per cent, and No. 24 sand, 40 per cent. The bitumen residue (determined by ASTM D2172 Method E vacuum extraction) shall be 4.6 + 0.3 (6.3 per cent AE-300 or AE-150 modified with moisture). Only fine patch mix previously approved by the DOT at the manufacturing plant may be used.

(4) Topsoil agricultural limestone, fertilizer, grass seed mulch, sod, curing, compound and joint material are to be according to current "Indiana State Highway Commission Standard Specifications" and all revisions and addendums to that document.

(c) Backfill. All excavations shall be backfilled in accordance with this subsection.

(1) Granular backfill. All cuts made in or under any road surface shall be backfilled with granular material. Where a cut either transverses or parallels the road surface, granular backfill shall be placed in that portion of the cut located within three (3) feet of the road surface or within a distance of equal to one-half (1/2) the depth of the cut, whichever is greater. The permit holder, at its option, shall place granular backfill either:

- (A) In 12-inch maximum loose lifts and compact each layer by mechanical means to at least ninety-five (95) percent of its maximum dry density, or
- (B) In 24-inch maximum loose lifts and compact each layer by a combination of saturation and mechanical means to at least ninety-five (95) per cent of its maximum dry density, or
- (C) In such other size lifts as has been certified to the DOT by a professional engineer to achieve at least ninety-five (95) per cent of its maximum dry density for each lift using equipment available to the permit holder and approved by the DOT. Maximum dry density shall be determined in accordance with ASTM Designation D 698.
- (D) If flowable fill is used as backfill, the permit holder shall place the granular backfill in accordance with department of capital asset management technical specification on flowable fill.

- (2) Earth backfill. Earth backfill may be used in locations not requiring granular backfill. The earth backfill shall be made compatible with the adjacent surface. In established lawn areas, this includes compacting in not less than two (2) lifts for each five (5) feet of depth of the cut, topping off with topsoil, fertilizing, seeding, mulching and restoring all contours. If the contours are greater than a three-to-one (3:1) slope, restoration of the grass shall be made by sodding. Under sidewalks, the earth backfill shall be compacted in not less than three (3) lifts for each five (5) feet of depth of the cut. If the sidewalk fails as a result of settlement of a cut, the permit holder making such cut shall be responsible for repairing and restoring said sidewalk, including recompacting the backfill in the cut.
- (d) Temporary surface restoration. Temporary surface repairs may be made as follows:
  - (1) The surface may be temporarily repaired by use of cold mix bituminous to the top of the cut, compacted by a mechanical tamp or vibrator;
  - (2) Overnight while work is continually in progress, the cut may be covered with steel plates having a minimum thickness of three-fourths inch which shall be secured so as not to move and so as not to constitute a hazard when open to traffic;

Any cut temporarily repaired under this section shall be permanently repaired, by removing the cold mix bituminous to a depth of at least one and one-half (1 1/2) inches below the adjoining road surface and permanently restoring the cut as required in subsection (e) of this section. Final restoration of all cuts shall be made within thirty (30) days of the completion of the temporary repairs, except that cuts made between November 10 and April 1 need not be repaired until June 1. The permit holder shall notify the inspection section within two (2) business days of completion of final restoration.

(e) Permanent surface restoration. Permanent repairs shall be in accordance with the standards of this subsection. The restoration of the surface of all cuts shall be completed by such methods and in such manner that the plane of the surface of the repair, at the time of completion and thereafter, will be flush with all contiguous surfaces and will create no dissymmetry with the topography of the roadway.

- (1) Concrete streets and alleys. Final repairs to concrete streets and alleys are to be made with concrete. When repairing or replacing reinforced concrete having a thickness of six (6) inches or more, either (i) the steel reinforcement shall be replaced in kind (temporarily bending the reinforcing steel out of the way and then bending it back into position when the concrete is replaced) and properly fastened to the adjacent reinforcement, or (ii) No. 5 bars, two (2) feet long, shall be drilled and grouted into the existing pavement sides one foot deep at two-foot center-to-center spacing with a minimum of two (2) bars per side. If the concrete being replaced or repaired is less than six (6) inches thick, the steel reinforcement may be replaced in kind and properly fastened to the adjacent reinforcement or the repaired and replaced concrete may be bonded to the existing concrete by epoxy. All new concrete must be protected against excessive dehydration by the application of a membrane-type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.

- (2) Asphalt streets and alleys. The base material used in connection with all final repairs to asphalt streets and alleys shall be either hot asphalt or cold mix bituminous coarse patch mix placed in four-inch lifts compacted with a mechanical tamp or vibrator. A one-and-one-half-inch hot asphalt surface shall be used on any asphalt surface street repair except when repairs are made in any thoroughfare, or any roadway other than a thoroughfare where so designated by the DOT, when such thoroughfare or roadway has been assigned a project number for resurfacing, in which case the one-and-one-half-inch hot asphalt surface may be deleted and the base material brought up to the level of the existing pavement. All edges or joint of existing pavement shall be thoroughly cleaned and tack coated prior to the placement of the hot asphalt surface. All faces of exposed curbing shall be tacked below the finished pavement elevation. All joints shall be sealed with a hot iron.
- (3) Brick streets and alleys. Brick streets shall be restored to their original surface condition and pattern. At the discretion of the DOT, brick alleys shall be restored to their original surface condition and pattern. If such repair of an alley is not directed, the repairs shall be made with concrete. All new concrete shall be protected against all excessive dehydration by the application of a membrane-type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.
- (4) Asphalt over concrete or brick streets. As a general rule, whatever type of material that was excavated shall be replaced.
  - (A) Concrete or deep strength asphalt is to be used to replace concrete or brick to the level of the existing concrete base. The new concrete shall be protected against excessive dehydration by the application of a membrane-type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic. Asphalt shall then be used to complete the repair. The concrete and all vertical sides shall be thoroughly cleaned and tacked. All faces of exposed curbing shall be placed below the finish elevation. Asphalt shall be placed in three-inch lifts and compacted with a mechanical tamp or vibrator. The top one and one-half (1 1/2) inches shall be hot mix asphalt. All joints shall be sealed with a hot iron.
  - (B) At the discretion of DOT, repairs to asphalt over concrete or brick streets and alleys may be made completely with asphalt. All vertical sides shall be thoroughly cleaned and tacked. All faces of exposed curbing shall be tacked below the finish elevation. Asphalt shall be placed in three-inch lifts and compacted with a mechanical tamp or vibrator. The top one and one half (1/2) inches shall be hot mix asphalt. All joints are to be sealed with a hot iron.
- (5) Shot seal streets or alleys. All repairs shall be made with asphalt. Asphalt shall be placed in three-inch lifts and compacted with a mechanical tamp or vibrator.
- (6) Stone or gravel street. All repairs shall be made with granular backfill.
- (7) Sidewalks:
  - (A) Brick sidewalks are to be restored to their original surface condition and pattern.
  - (B) Concrete sidewalks are to be repaired with concrete. However, it does not have to be high early strength. All new concrete must be protected against excessive dehydration by the application of a membrane-type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.

- (C) Asphalt sidewalks shall be repaired with asphalt. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. Asphalt shall be placed in three-inch lifts and shall be compacted by a mechanical tamp or vibrator. All joints shall be sealed with a hot iron.
  - (D) Gravel or stone sidewalks shall be restored to within six (6) inches of the surface with No. 53 stone or granular material and then topped off with material similar to the original surface.
  - (E) If the cut is outside three (3) feet of the road surface or outside a distance equal to one-half the depth of the cut, whichever is greater, the cut may be backfilled with earth backfill compacted in not less than three (3) lifts for each five (5) feet of depth of the cut.
- (8) Driveways:
- (A) Brick driveways shall be restored to their original surface and pattern.
  - (B) Concrete driveways shall be repaired with concrete to original specifications. The new concrete shall be protected against excessive dehydration by the application of a membrane-type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.
  - (C) Asphalt driveways shall be repaired with asphalt. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. Asphalt shall be placed in three inch lifts and is to be compacted by mechanical tamp or vibrator. The top one and one-half (1 1/2) inches shall be hot mix asphalt. All joints shall be sealed with a hot iron.
  - (D) Gravel or stone driveways shall be restored to six (6) inches of the surface with No. 53 stone or granular material and topped off with material similar to the original surface.
  - (E) If the cut is outside three (3) feet of the road surface or outside a distance equal to one-half of the depth of the cut, whichever is greater, the cut may be backfilled with earth backfill compacted in not less than three (3) lifts for each five (5) feet of depth of the cut.
- (9) Gravel or stone berm. All repairs to gravel or stone berms shall be restored to within twelve (12) inches of the surface with compacted granular backfill, and topped off with material similar to the original surface. If the cut is outside three (3) feet of the road surface or outside a distance equal to one-half the depth of the cut, whichever is greater, the cut may be backfilled with earth backfill.
- (f) Resurfacing because of cuts. The DOT shall determine it necessary to resurface the pavement in any five-hundred-foot segment if either of the following conditions are found since the segment was last resurfaced:
- (1) Cut(s) encompass more than thirty-three (33) per cent of the total square footage; or
  - (2) Ten (10) or more lateral cuts on any, or a combination of any, of the lanes.

DOT having made the determination to resurface, then such permit holder or combination of permit holders shall be liable for the cost of resurfacing the pavement surface, which cost shall not exceed the cost of a one-inch overlay of hot asphalt over the area to be resurfaced. The DOT shall notify the responsible permit holder or combination of permit holders, as well as all utilities, that the pavement surface in that location will be resurfaced, if possible during the next construction season, but such construction will commence no later than one hundred eighty (180) days after notification by the DOT. Utilities should perform whatever work they desire to do in the right-of-way in that area prior to the resurfacing. The DOT shall be responsible for contracting, supervising and inspecting the resurfacing and upon completion of the resurfacing, shall bill the responsible permit holder or combination of permit holders for it or their share of the cost of the resurfacing. If more than one construction season has passed, the cost shall be based on the cost of resurfacing in the first

construction season following the DOT's notification that the area will be resurfaced. When a combination of permit holders is involved, the cost for the resurfacing, as limited above, shall be allocated by the DOT among the permit holders based on the ratio of square footage of pavement surface within the area disturbed by all permit holders. The issuance of a right-of-way excavation permit by the department of transportation and the acceptance of the permit by an applicant/permit holder shall be construed as agreement to this resurfacing requirement.

(g) Lawn restorations. Within thirty (30) days after completion and restoration of a cut in a portion of an established lawn within the public right-of-way, the permit holder shall inspect the cut and if it has settled more than two (2) inches below the adjacent surface, the permit holder will fill and compact the settled area and reseed or resod. The permit holder shall inspect the cut again within thirty (30) days following the original restoration and, if the cut has again settled more than two (2) inches below the adjacent surface, shall fill and compact the settled area and reseed or resod. Such inspections and fillings will continue each thirty (30) days until an inspection discloses that the cut has not settled more than two (2) inches below the adjacent surface in any thirty-day period.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

PROPOSAL NOS. 447, 591 and 651, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 447, 591 and 651, 1995 on December 6, 1995. PROPOSAL NO. 447, 1995. The proposal authorizes a traffic signal for the Marsh Access Drive with Thompson Road approximately 1,200 feet east of Emerson (District 23). PROPOSAL NO. 591, 1995. The proposal authorizes a traffic signal at Falcon Drive and 34th Street (Districts 8, 9). PROPOSAL NO. 651, 1995. The proposal authorizes a multi-way stop at Millersville Road and Olney Street (District 11). By 6-0 votes, the Committee reported the proposals to the Council with a recommendation to strike. Proposal Nos. 447, 591 and 651, 1995 were stricken by unanimous voice vote.

PROPOSAL NOS. 731 and 765-770, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 731 and 765-770, 1995 on December 6, 1995. PROPOSAL NO. 731, 1995. The proposal authorizes multi-way stops for the intersections in the Forest Creek subdivision, Sections 1 and 2 (District 13). PROPOSAL NO. 765, 1995. The proposal authorizes a multi-way stop at Crittenden Avenue and 61st Street (District 7). PROPOSAL NO. 766, 1995. The proposal authorizes a multi-way stop at Rural Street and 72nd Street (District 7). PROPOSAL NO. 767, 1995. The proposal authorizes a multi-way stop at Tacoma Avenue and 72nd Street (District 7). PROPOSAL NO. 768, 1995. The proposal authorizes a multi-way stop at North Street and Oakland Avenue (District 15). PROPOSAL NO. 769, 1995. The proposal authorizes a multi-way stop at North Street and Parker Avenue (District 15). PROPOSAL NO. 770, 1995. The proposal authorizes a multi-way stop at Shortridge Road and 13th Street (District 12). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal Nos. 731 and 765-770, 1995 were adopted on the following roll call vote; viz:

December 11, 1995

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

0 NAYS:

2 NOT VOTING: *Giffin, Golc*

1 ABSENT: *Jones*

Proposal No. 731, 1995 was retitled GENERAL ORDINANCE NO. 219, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 219, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35, Pg. 1	Bade Rd, Forest Creek Dr	Bade Rd	Stop
35, Pg. 2	Fallen Oak Dr, Forest Creek Dr	Fallen Oak Dr	Stop
35, Pg. 2	Fallen Oak Dr, Stonewood Dr	Fallen Oak Dr	Stop
35, Pg. 2	Forest Creek Dr, Stonewood Dr	Forest Creek Dr	Stop

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

Proposal No. 765, 1995 was retitled GENERAL ORDINANCE NO. 220, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 220, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 9	Crittenden Av, 61st St	Crittenden Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 9	Crittenden Av, 61st St	None	All Stop

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

Proposal No. 766, 1995 was retitled GENERAL ORDINANCE NO. 221, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 221, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 24	Rural St 72nd St	72nd St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 24	Rural St 72nd St	None	All Stop

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

Proposal No. 767, 1995 was retitled GENERAL ORDINANCE NO. 222, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 222, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 26	Tacoma Av 72nd St	72nd St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 26	Tacoma Av 72nd St	None	All Stop

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

Proposal No. 768, 1995 was retitled GENERAL ORDINANCE NO. 223, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 223, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 38	North St Oakland Av	North St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 38	North St Oakland Av	None	All Stop

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

Proposal No. 769, 1995 was retitled GENERAL ORDINANCE NO. 224, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 224, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 39	North St Parker Av	North St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 39	North St Parker Av	None	All Stop

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

Proposal No. 770, 1995 was retitled GENERAL ORDINANCE NO. 225, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 225, 1995

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 15	Shortridge Rd 13th St	13th St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 15	Shortridge Rd 13th St	None	All Stop

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

Deputy Mayor Joe Loftus was called on for comments, as his term of office would end this year and this was his final Council meeting. Deputy Mayor Loftus expressed his appreciation to the Council and his encouragement to continue their good service to the community. The President expressed appreciation on behalf of the Council to Deputy Mayor Loftus for his dedicated service and wished him success in future endeavors.

**ANNOUNCEMENTS AND ADJOURNMENT**

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Hinkle and Shambaugh in memory of Glen Collins;
- (2) Councillor Hinkle in memory of John E. Voelker;
- (3) Councillor Franklin in memory of Paul Sanders, Sr.;
- (4) Councillor O'Dell in memory of Mary Ellen Howell, Don R. Heiska, R. Jeanice Krysko, Richard A. Oberlies;
- (5) Councillor Boyd in memory of June C. Beechler, Eva Moore, Gerald Simons, and Rose Sangar.

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 Glen Collins, John E. Voelker, Paul Saunders, Sr., Mary Ellen Howell, Don R. Heiska, R. Jeanice Krysko, Richard A. Oberlies, June C. Beechler, Eva Moore, Gerald Simons, and Rose Sangar. 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.

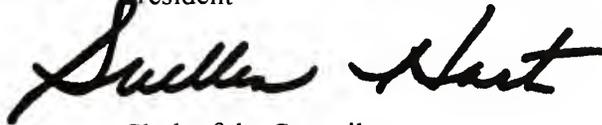
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:00 p.m.

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 11th day of December, 1995.

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)