

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

**REGULAR MEETINGS  
MONDAY, APRIL 29, 1996**

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 7:12 p.m. on Monday, April 29, 1996, with Councillor SerVaas presiding.

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Black recognized his long-time former secretary, Juanita Talley. Councillor Talley also recognized Ms. Talley, who had raised him from the age of eight, with a public salute. Councillor Brents added recognition of Ms. Talley as her Eastern Star worthy matron.

**OFFICIAL COMMUNICATIONS**

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

*Journal of the City-County Council*

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 29, 1996, 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

April 11, 1996

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 COURT AND COMMERCIAL on Thursday, April 11, 1996, a copy of a NOTICE TO TAXPAYERS of Public Hearing on Proposal Nos. 208, 209, 210, 215, 217, 250, 251, 258, 259, 261, and 265, 1996, said hearing to be held on Monday, April 8, 1996, at 7:00 p.m. in the City-County Building.

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

April 15, 1996

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 COURT & COMMERCIAL RECORD on Thursday, April 18, 1996, a copy of the following notices:

- (1) Notice of Public Hearing on Proposal Nos. 279 and 289, 1996, said hearing to be held on Monday, April 29, 1996, at 7:00 p.m. in the City-County Building; and
- (2) Legal Notice of General Ordinance No. 50, 1996.

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

April 12, 1996

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. 19, 1996: an appropriation of \$14,087 for the Marion County Justice Agency to fund the I-Challenge office budget financed by revenues from the Drug Free Community Fund

FISCAL ORDINANCE NO. 20, 1996: an appropriation of \$232,688 for Community Corrections to continue the Jail Work Program financed by revenues in the County General Fund, Jail Reserve Account

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FISCAL ORDINANCE NO. 21, 1996: an appropriation of \$84,375 for Community Corrections to pay for five additional Annex officers to facilitate receipt of additional offenders financed by revenues in the County General Fund, Jail Reserve Account

FISCAL ORDINANCE NO. 23, 1996: an appropriation of \$2,000,000 for the Department of Public Safety, Fire Division, to construct a new fire station financed by revenues in the City Cumulative Capital Improvement Fund

FISCAL ORDINANCE NO. 24, 1996: an appropriation of \$13,900,000 for the Department of Capital Asset Management to pay for the 1996 Capital Improvement Program financed by available fund balances in the Sanitation General Fund, Transportation General Fund, City Cumulative Capital Development Fund, Parking Meter Fund, and Solid Waste Disposal Fund

FISCAL ORDINANCE NO. 25, 1996: an appropriation of \$375,000 for the Department of Metropolitan Development, Planning Division, to establish an ozone public awareness and education program financed by a federal grant

FISCAL ORDINANCE NO. 26, 1996: an appropriation of \$207,200 for the Department of Public Safety, Police Division, to help fund the Weed and Seed Program financed by a federal grant

FISCAL ORDINANCE NO. 27, 1996: an appropriation of \$525,521 for the Department of Public Safety, Police Division, to help fund the Weed and Seed Program financed by a federal grant

FISCAL ORDINANCE NO. 28, 1996: an appropriation of \$514,304 for the Department of Public Safety, Police Division, to hire ten additional police officers financed by a federal grant

FISCAL ORDINANCE NO. 29, 1996: an appropriation of \$645 for the Department of Public Safety, Division of Weights and Measures, to cover overage for the purchase of a vehicle financed by a transfer within the division's Consolidated County Fund

GENERAL ORDINANCE NO. 50, 1996: establishes a supplemental sewer user rate for the area formerly served by Fairwood Utilities

GENERAL ORDINANCE NO. 51, 1996: allows the Board of Capital Asset Management to establish certain sanitary sewer fees by regulation

GENERAL ORDINANCE NO. 52, 1996: authorizes a traffic signal at Lafayette Road/High School Road/62nd Street (District 1)

GENERAL ORDINANCE NO. 53, 1996: authorizes a multi-way stop at Park Avenue and 15th Street (District 22)

GENERAL ORDINANCE NO. 54, 1996: authorizes a multi-way stop at 13th Street and Farley Drive (District 18)

GENERAL ORDINANCE NO. 55, 1996: authorizes a multi-way stop at Lawrence Avenue and Otterbein Avenue (District 20)

GENERAL ORDINANCE NO. 56, 1996: authorizes a loading zone on a segment of Talbot Street north of Vermont Street (District 16)

SPECIAL RESOLUTION NO. 22, 1996: determines the necessity of the Sheriff's Department to lease office space at the Airport Technology Center, 7900 West Rockville Road

SPECIAL RESOLUTION NO. 23, 1996: determines the necessity of the Indianapolis-Marion County Building Authority acquiring and renovating real estate and buildings located at 730 East Washington Street and 752 East Market Street for use as a supplemental jail facility

SPECIAL RESOLUTION NO. 24, 1996: determines the necessity of the Sheriff's Department investigating the purchase of real estate and buildings located at 730 East Washington Street and 752 East Market Street for use as a supplemental jail facility

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 April 8, 1996. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 344, 1996. The proposal, introduced by Councillors Bradford and SerVaas, recognizes the math team of Park Tudor School. Councillor Bradford read the proposal and presented the team members, sponsor, and principal with a copy of the document and Council pins. Melanie Wood, team member, introduced representatives and thanked the Council for the honor. Councillor Bradford moved, seconded by Councillor O'Dell, for adoption. Proposal No. 344, 1996 was adopted by a unanimous voice vote.

Proposal No. 344, 1996 was retitled SPECIAL RESOLUTION NO. 25, 1996 and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 25, 1996**

A SPECIAL RESOLUTION recognizing the math team of Park Tudor School.

WHEREAS, on February 15, 1996, thousands of students throughout the United States participated in the 47th annual American Mathematics Competition sponsored by several national math related societies and professional organizations; and

WHEREAS, students compete as individuals and as teams, with the three highest ranking students from a school being considered that school's team; and

WHEREAS, this year the Indiana state team championship was won by Park Tudor School students Melanie Wood, Chris Mihelich and Torrey Bievenour; and

WHEREAS, in addition, Melanie Wood Placed second highest individually among the 18,100 Indiana students who took the examination; and

WHEREAS, Wood and Mihelich also passed the second level of math competition, and on May 2nd will compete in the third level--the United States of America Mathematics Olympiad; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the mathematics competition state champions from Park Tudor School: Melanie Wood, Chris Mihelich and Torrey Bievenour, along with Park Tudor mathematics department Chair and Team Manager Joanne Black.

SECTION 2. The Council wishes students Wood and Mihelich the best of success as they represent Indianapolis and Indiana in the May 2nd Olympiad.

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

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

PROPOSAL NO. 345, 1996. The proposal, sponsored by Councillors Hinkle, Brents, Cockrum, Golc, and Shambaugh, recognizes the Ben Davis High School boys State Champion basketball team. Councillor Hinkle read the proposal and presented a copy of the document and Council pins to team members, sponsors, and cheerleaders. Councillors Golc, Shambaugh, and Brents offered their congratulations, as well. Dr. Duane Fleener, Acting Superintendent; Dr. Terry Thompson, new Wayne Township School District Superintendent; and Coach Steve Whitaker thanked the Council on behalf of the team, coaches, and sponsors. Councillor Hinkle recognized team member Jeff Poisel, whose last-second three-point shot helped to win the game. Councillor Hinkle moved, seconded by Councillor Golc, for adoption. Proposal No. 345, 1996 was adopted by a unanimous voice vote.

Proposal No. 345, 1996 was retitled SPECIAL RESOLUTION NO. 26, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 1996

A SPECIAL RESOLUTION recognizing the Ben Davis High School boys State Champion basketball team.

WHEREAS, the 1995-96 Ben Davis High School Giants boys basketball team was ranked as "good," but not necessarily "great" during the season; and

WHEREAS, during the stages of the Indiana High School Athletic Association's 86th annual basketball tournament, this unranked, underdog, well-balanced team simply kept winning games; and

WHEREAS, through experienced coaching, heart, determination and a very special effort, on Saturday night, March 23, 1996, the Ben Davis Giants won the State Championship Game and became the first non-ranked team to cut the nets in 19 years; 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 congratulates the State Champion Ben Davis High School boys basketball team who believed in themselves, rather than in the sports polls.

SECTION 2. In an unbelievable dead-on three-point basket by senior Jeff Poisel at the ending buzzer of the game's second overtime period, the Giants captured their second state crown in two years.

SECTION 3. The Council specifically recognizes team members Chet Washington, Derin Graham, Matt Clark, Pat Church, Don Carlisle, Keith Patterson, Jelani Williams, Yon Price, Virgil Akers, Jeff Poisel, Roy Frye and Antoine Carpenter; Head Coach Steve Witty; Assistant Coaches Terry Strahm, Dave Patz, Jim Peacock, Eric Rauch, Kendall Price and Mike Smith; Athletic Director Bob Britt; Assistant Athletic Director Priss Dillow; Trainer Mark Lahr; Assistant Trainer Heather Dorfner; Strength Coach Kevin Vanderbush; Video Kevin Buerge; Team Doctor Dr. John McCarroll; Student Trainers Anji Douglas and Heather Rains; Managers Richard Barclay, Lee Coronado, Tina Guzenda, Laura Harris, Keisha Johnson, Jeremy Lee and Melissa Poe; Varsity Cheerleaders Amanda Banks, Shannon Bell, Katie Caldwell, Amanda Cory, Jennifer Emerton, Patrice Graham, Renee Inabnit, Erica Ings, Brandi Jones, Jamika Jones, Melissa Lawrence and Wendy Wolfred; Cheerleader Sponsors Crystal Murff, Cindy Cottrell and Dee Hilligoss; Principal Dr. James Mifflin; and Superintendent Dr. Duane Fleener.

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

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

PROPOSAL NO. 346, 1996. The proposal, sponsored by Councillors Bradford, Dowden, McClamroch, Schneider, and Talley, congratulates the Indianapolis Police Department, North District, for winning the "Webber Seavey Award." Councillor Bradford read the proposal and presented representatives with a copy of the document and Council pins. Captain James Campbell introduced members of the team and thanked the Council for the recognition. Michael Beaver, Director of Public Safety, also thanked the Council for their approval of monies and support for such projects. Councillor Bradford moved, seconded by Councillor Schneider, for adoption. Proposal No. 346, 1996 was adopted by a unanimous voice vote.

Proposal No. 346, 1996 was retitled SPECIAL RESOLUTION NO. 27, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 1996

A SPECIAL RESOLUTION congratulating the Indianapolis Police Department, North District, for winning the "Webber Seavey Award."

WHEREAS, the "Webber Seavey Award" is a competition which recognizes quality performance by law enforcement agencies around the world, and the Indianapolis Police Department's North District initiative was selected the winner out of 160 entrants; and

WHEREAS, the award recognized IPD for its Community Policing in the Parkview Place Apartments, a federally subsidized development with a history of open criminal activity and a high level of violence; and

WHEREAS, through this Community Policing plan, IPD greatly reduced the level of violence and drug trafficking in the development by maintaining a high level of visibility in the area, and by using special IPD units that focused on narcotics enforcement as well as other crime enforcement techniques; and

WHEREAS, IPD's North District not only made Parkview Place Apartments safer for the community and for its residents, it also regularly met with the Parkview Residents Association and the apartment management to help create special programs for the complex such as crime watch, resident screening and evictions, and a breakfast program; 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 congratulates the Indianapolis Police Department, North District's award-winning law enforcement team: North District Deputy Chief Patricia Holman; Captains James Campbell, John Bent and Gary Rothenbush; Lieutenants Leslie White and Sheryl Turk; Sergeants John Conley, Harold Sherfield and David Dinkins; Officers James Quigley, Leon Benjamin, Donald Randall, Riki Good; Civilians Marnie Bader and Jean Ritsema; Marion County Deputy Prosecutor Jan Lesniak; and Public Safety Director Michael Beaver.

SECTION 2. The Council also recognizes Parkview management Dave Oyer, Randy Dickman and Marilyn Eldridge; and the desire of the Parkview Residents Association members who have stepped forward to help improve that part of Indianapolis which they call "home."

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. 347, 1996. The proposal, sponsored by Councillors Boyd, SerVaas, Borst, Coughenour, Curry, Dowden, Gilmer, Golc, Hinkle, Jones, Moriarty Adams, O'Dell, Schneider, and Williams, remembers the life of Councillor Harold E. Hawkins. Councillor Boyd read the

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proposal and moved for adoption. Councillor O'Dell seconded, and Proposal No. 347, 1996 was adopted by a unanimous voice vote.

The President expressed his sympathy to Mr. Hawkin's family and stated that "Hawk" would be sorely missed.

Proposal No. 347, 1996 was retitled SPECIAL RESOLUTION NO. 28, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1996

A SPECIAL RESOLUTION remembering the life of Councillor Harold E. Hawkins.

WHEREAS, Harold E. Hawkins served his constituents and the city well on the Indianapolis City-County Council for twenty years from 1972 through 1991; and

WHEREAS, "Hawk" was a graduate of A & I Tennessee State College, was a World War II veteran, had sold insurance, worked in state government and at Indiana National Bank during his career; and

WHEREAS, he was extraordinarily generous with his time and talents to his community and to the Democrat Party, having served on the Boards of Community Action Against Poverty, the Opportunities Industrialization Center and as a precinct and ward leader; and

WHEREAS, on the City-County Council Mr. Hawkins served as a valued member of several committees including the powerful Public Safety and Criminal Justice Committee, and was known for his even temperament, insightful questions and gentlemanly manners; and

WHEREAS, Mr. Hawkins passed from this earthly life at the age of 84 on April 14, 1996; 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 records with sadness the passing of one of its former colleagues, Harold E. Hawkins.

SECTION 2. His community commitment, integrity and soft-spoken but effective manners will long be remembered as a model for those to come.

SECTION 3. May the Good Lord grant to our friend "Hawk" His everlasting peace, comfort and joy.

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

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

PROPOSAL NO. 348, 1996. The proposal, sponsored by Councillors Moriarty Adams and Dowden, recognizes Liam O'Riain, Director, 17th Golden Pages Dublin, Ireland, Marathon. Councillor Moriarty Adams stated that Mr. O'Riain was not able to be present due to his flight schedule and asked for consent to read the proposal in his absence. Consent was given. Councillor Moriarty Adams read the proposal and moved for its adoption. Councillor Dowden seconded, and Proposal No. 348, 1996 was adopted by a unanimous voice vote.

Proposal No. 348, 1996 was retitled SPECIAL RESOLUTION NO. 29, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 1996

A SPECIAL RESOLUTION recognizing Liam O'Riain, Director, 17th Golden Pages, Dublin, Ireland, Marathon.

WHEREAS, Liam O'Riain is the Director of the 17th Annual Golden Pages, Dublin, Ireland, Marathon race; and

WHEREAS, Mr. O'Riain is also a member of the Irish national marathon team, and has been active for many years as both an outstanding athlete and in leadership positions in amateur running in his native Ireland; and

WHEREAS, he is visiting Indianapolis to show support for the Indianapolis Life 500 Festival Mini-Marathon, the largest half-marathon race in the United States; 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 is proud of this city's annual Indianapolis Life 500 Festival Mini-Marathon race, and welcomes Liam O'Riain from the Dublin, Ireland, marathon who is visiting this year's Indianapolis race.

SECTION 2. The Council, in behalf of the people of Indianapolis, hopes that Mr. O'Riain's stay in Indianapolis is very informative and productive, and wishes his own marathon race the best of success this year.

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.

Councillor Franklin asked for permission to address the Council. Consent was given. Councillor Franklin introduced the new Director of the Indianapolis Public Housing Authority, Edward Jagnandan. He stated that Mr. Jagnandan would be presenting status and plans for the board at the Metropolitan Development Committee meeting on May 13, 1996 at 5:00 p.m. Mr. Jagnandan thanked Councillor Franklin for the introduction and expressed his eagerness to work with members of the Council in the coming year.

PROPOSAL NO. 229, 1996. The proposal, sponsored by Councillor McClamroch, appoints Martin G. (Mike) Ramey to the Community Centers of Indianapolis Board. Councillor McClamroch moved to postpone Proposal No. 229, 1996 due to re-structuring taking place within the Community Centers of Indianapolis Board. Councillor Franklin seconded, and Proposal No. 229, 1996 was postponed by a unanimous voice vote.

PROPOSAL NO. 230, 1996. The proposal, sponsored by Councillor McClamroch, reappoints Chester Carpenter to the Public Housing Board. Councillor McClamroch read the proposal and moved for its adoption. Councillor Hinkle seconded, and Proposal No. 230, 1996 was adopted by a unanimous voice vote.

Proposal No. 230, 1996 was retitled COUNCIL RESOLUTION NO. 42, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 1996

A COUNCIL RESOLUTION reappointing Chester Carpenter to the Public Housing Board.

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

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

Chester Carpenter

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

PROPOSAL NO. 254, 1996. The proposal, sponsored by Councillors O'Dell and Smith appoints Mark Bowell to the Indianapolis-Marion County Public Library Board. Councillor McClamroch read the proposal and moved for its adoption. Councillor O'Dell seconded, and Proposal No. 254, 1996 was adopted by a unanimous voice vote.

Proposal No. 254, 1996 was retitled COUNCIL RESOLUTION NO. 43, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 43, 1996

A COUNCIL RESOLUTION appointing Mark Bowell to the Indianapolis-Marion County Public Library Board.

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

SECTION 1. As a member of the Indianapolis-Marion County Public Library Board, the Council appoints:

Mark Bowell

SECTION 2. The appointment made by this resolution is for a term ending April 6, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 308, 1996. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes administrative process for adjudication of parking tickets"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 309, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$785,327 for various County agencies to pay Information Service Agency charges financed by transfers of \$576,806 within certain agencies' County General Fund and an appropriation of \$208,521 from the County General Fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 310, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$7,702,935 for the Information Services Agency (ISA) to fund its restructuring including the outsourcing contract with System and Computer Technology Corporation (SCT) financed by an appropriation of

\$3,989,935 and a transfer of \$3,713,881 from the Information Services Internal Service Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 311, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which adopts minor amendments to the Commercial and Special Districts Zoning Ordinances referencing the Thoroughfare Plan for Marion County (96-AO-1)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 312, 1996. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$60,000 for the Department of Parks and Recreation to fund improvements for Perry Park financed by a Build Indiana Grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 313, 1996. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$76,928 for the Department of Parks and Recreation to acquire land for greenways financed by a \$75,000 federal grant and a \$1,928 appropriation from the Park General Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 314, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves amendments to pension plan for Marion County Sheriff's merit deputies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 315, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code pertaining to the Enhanced Access Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 316, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$152,500 to continue the County comprehensive traffic safety program through the Prosecuting Attorney financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 317, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$64,500 for the Prosecuting Attorney to assist the "Circle of Hope" sexual assault response team centers in conjunction with St. Vincent Health Network and Wishard Memorial Hospital financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 318, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$587,650 for the County Sheriff to pay for a \$2 per diem increase and the additional 60 inmates at Riverside financed by revenues from the County General Fund, Jail Reserve Account"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 319, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$34,661 for the Marion

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ounty Justice Agency to continue the Drug Use Forecasting Program financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 320, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$333,826 for the Marion County Justice Agency to pay the salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 321, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$180,000 for the County Auditor to pay the expenses incurred by the Information Services Agency in providing enhanced access to City-County computerized information financed by revenues in the Enhanced Access Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 322, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$75,000 for the Department of Public Safety, Police Division, to provide youth programs through the Police Athletic League financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 323, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which exempts the Metropolitan Emergency Communications Board from being a "subject agency" of the Information Technology Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 324, 1996. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert S. Daly, M.D. to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 325, 1996. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$4,020,000 for the Department of Public Works, Contract Compliance Division and Maintenance Operation Division, to pay for the contracting of sewer maintenance and mowing financed by a reduction of the Maintenance Operation General Fund balance"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 326, 1996. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a Board of Asset Management and Public Works and abolishes the Board of Capital Asset Management and Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 327, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides for voter's referendums to authorize applications (1) to conduct pari-mutuel wagering on horse races at race tracks and (2) to operate satellite facilities for off-track pari-mutuel wagering on horse races"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 328, 1996. Introduced by Councillors Coonrod, Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which abolishes Marion County Board of Tax Adjustment"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 329, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a Cable Franchise Fees Fund as a non-reverting county fund"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 330, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$12,710 for supplies for the Cable Communications Agency financed by a transfer within the agency's Consolidated County Fund"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 331, 1996. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Forrest Commons Subdivision, Section 5 (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 332, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Westpoint Business Park (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 333, 1996. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes stop signs at Georgetown Road and 57th Street (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 334, 1996. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Mitthoefer Road and Rawles Avenue (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 335, 1996. Introduced by Councillors O'Dell, Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Franklin Road and Troy Avenue (Districts 13, 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 336, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Blackford Street and Vermont Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 337, 1996. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at New Jersey Street and 24th Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

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PROPOSAL NO. 338, 1996. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at New Jersey Street and 23rd Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 339, 1996. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Alabama Street and 24th Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 340, 1996. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Alabama Street and 23rd Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 341, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Senate Avenue and St. Clair Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 342, 1996. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Emerson Avenue at University Avenue (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 343, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a loading zone for St. Elmo Steak House located at 127 South Illinois Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

Councillor Curry asked for consent to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal Nos. 309 and 310, 1996, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on May 20, 1996. He explained that the time frame of these proposals required a hearing on May 20th. Consent was given.

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

PROPOSAL NO. 304, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 304, 1996 on April 18, 1996. The proposal amends S.R. No. 81, 1995, by extending the expiration date for Brulin & Company, Inc. through August 31, 1996 at 2920 Dr. Andrew J. Brown Avenue (District 22). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Williams, for adoption. Proposal No. 304, 1996 was adopted on the following roll call vote; viz:

*27 YEAS: Black, Borst, Boyd, Bradford, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*1 NOT VOTING: Brents*

*1 ABSENT: Cockrum*

Proposal No. 304, 1996 was retitled SPECIAL RESOLUTION NO. 30, 1996 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 1996

A SPECIAL RESOLUTION amending City-County Special Resolution No. 81, 1995, 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. 81, 1995, 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 Brulin & Company, Inc. (the "Company") which Inducement Resolution set an expiration date of April 30, 1996 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of April 30, 1996, contained therein and replacing said date with the date of August 31, 1996.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section I 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. 305, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 305, 1996 on April 18, 1996. The proposal is an Inducement Resolution for Oakland Civic Charities Foundation in an amount not to exceed \$6,950,000 to proceed with the acquisition and renovation of a 162-unit building at 38th and Meridian Streets (The Summit House Project) (District 6). By an 8-0 vote, the Committee reported the proposal to the Council for action without recommendation. Councillor Borst explained that the petitioner had been asked to meet with the neighborhood groups and send the Committee more information before the full Council meeting. He stated that not much is known about the petitioner and therefore reported the proposal to the Council without recommendation.

Councillor Black moved, seconded by Councillor Bradford, to table Proposal No. 305, 1996 until the petitioner had met with the neighborhood associations.

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Councillor Franklin asked if a neighborhood meeting had already taken place. Councillor Black stated that a meeting with the neighborhood associations was called, but that only a two-day notice had been given and most of the neighborhood associations were not represented at that meeting. Councillor Williams stated that she had raised the issue of the neighborhood associations' involvement with this project due to a call from a constituent.

Councillor Borst stated that he had spoken with David Bruno, representative of Oakland Civic Charities Foundation (OCCF) from Akron, Ohio, earlier in the evening and that he was under the impression that the neighborhood meetings had occurred. Mr. Bruno stated that following the Committee meeting, the petitioner, OCCF, had put together a proposal and letter the day following the Committee meeting, and an audited report was forthcoming within the week to Chairman Borst. He added that only eight people had attended the meeting and gave a brief history of the OCCF. He said that OCCF was willing to hold another neighborhood meeting and forward the information requested to the Committee before further action is taken.

Councillor Borst asked if Councillor Black felt there would be better attendance if another neighborhood meeting was scheduled. Councillor Black stated that he would work with the petitioner to insure that the neighborhood associations were represented at the next meeting.

The President asked for consent to return Proposal No. 305, 1996 to Committee to be heard at the May 16th Committee meeting pending further information and another neighborhood meeting. Consent was given.

PROPOSAL NO. 306, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 306, 1996 on April 18, 1996. The proposal is an Inducement Resolution for Oakland Civic Charities Foundation in an amount not to exceed \$8,270,000 to proceed with the acquisition and renovation of a 324-unit facility located on several parcels between 5600 & 5900 West 38th Street (Eagle Terrace Apartments Project) (District 8). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McClamroch asked if the developer would pay real estate and personal property taxes on both this proposal and on Proposal No. 305, 1996. Councillor Borst answered that payment in lieu of taxes would be made as OCCF was a not-for-profit organization.

Councillor Short asked why this proposal had been passed and the previous one had not, since the two proposals dealt with the same developer. Councillor Borst explained that Proposal No. 305, 1996 involved a neighborhood concern and the neighborhoods had not been given a chance for input.

Councillor Short stated that it seemed unusual to hold up one proposal because the developer's financial information had not been made available, but to pass another one dealing with the same developer. Councillor Franklin stated that the petitioner's financial stability was not really in question in order to renovate these units, and that they should be supported in this endeavor pending neighborhood input.

Councillor Short moved, seconded by Councillor Gray, to return Proposal No. 306, 1996 to the Committee along with Proposal No. 305, 1996. The motion failed on the following roll call vote; viz:

12 YEAS: *Boyd, Bradford, Brents, Gray, Jones, Moores, Moriarty Adams, O'Dell, Short, Smith, Talley, Williams*

16 NAYS: *Black, Borst, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Schneider, SerVaas, Shambaugh, Tilford*

1 ABSENT: *Cockrum*

Councillor Franklin moved, seconded by Councillor Borst, for adoption. Proposal No. 306, 1996 was adopted on the following roll call vote; viz:

24 YEAS: *Black, Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford*

4 NAYS: *Gray, Short, Talley, Williams*

1 ABSENT: *Cockrum*

Proposal No. 306, 1996 was retitled SPECIAL RESOLUTION NO. 31, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 1996

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-II.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, Oakland Civic Charities Foundation, a Michigan not-for-profit corporation (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities, commonly referred to as the Eagle's Terrace Apartments Project, consist of the acquisition, renovation and equipping of the existing three hundred twenty-four (324) unit multi-family residential facility located in the 5600 to 5900 blocks of West 38th Street, Indianapolis, Indiana on approximately 13 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 creation of opportunities for gainful employment (two (2) 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 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 I. 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

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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 Seventy Thousand Dollars (\$8,270,000) 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 October 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. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 307, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 307, 1996 on April 18, 1996. The proposal authorizes the replacement of Bankers Trust Company as co-trustee with Dai-Ichi Kangyo Trust Company of New York as replacement co-trustee (District 25). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Williams, for adoption. Proposal No. 307, 1996 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford

0 NAYS:

3 NOT VOTING: Moores, Short, Williams

1 ABSENT: Cockrum

Proposal No. 307, 1996 was retitled SPECIAL RESOLUTION NO. 32, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 1996

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

WHEREAS, the City of Indianapolis (the "Issuer") issued \$1,400,000 aggregate principal amount of pollution control revenue bonds (General Motors Corporation Project), Series 1984 pursuant to a Trust Indenture dated as of April 1, 1984 by and among Bankers Trust Company (the "Resigning Trustee"), the Issuer and NBD Bank, N.A. (the "Co-Trustee"), formerly The Indiana National Bank, as co-trustee (the "Indenture");

WHEREAS, in accordance with the Indenture, the Resigning Trustee has tendered its notice of resignation; and

WHEREAS, Dai-Ichi Kangyo Trust Company of New York has agreed to assume the responsibilities of successor Co-Trustee under the Indenture; now, therefore,

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

SECTION 1. RESOLVED, that the Issuer appoint Dai-Ichi Kangyo Trust Company of New York (the "Successor Trustee") as successor Co-Trustee, Paying Agent, Bond Registrar and Tender Agent under the Trust Indenture dated as of April 1, 1984 (the "Indenture") by and among the Issuer, the Resigning Trustee and the Co-Trustee, pursuant to which the Issuer issued \$1,400,000 aggregate principal amount of the Issuer's Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984; and that the Issuer accept the resignation of the Resigning Trustee as Trustee, Paying Agent, Bond Registrar and Tender Agent under the Indenture, such resignation to be effective upon the execution and delivery by the Successor Trustee to the Issuer of an instrument or instruments accepting such appointment as Successor Trustee, Paying Agent, Bond Registrar and Tender Agent under the Indenture; and it is

SECTION 2. FURTHER RESOLVED, that the Mayor and/or the Clerk and each of them are hereby authorized to execute and deliver in the name and on behalf of the Issuer an instrument or instruments appointing the Successor Trustee as the Successor Trustee, Paying Agent, Bond Registrar and Tender Agent, and accepting the resignation of the Resigning Trustee as the Trustee, Paying Agent, Bond Registrar and Tender Agent; and it is

SECTION 3. FURTHER RESOLVED, that the proper officers of the Issuer are hereby authorized to do or cause to be done all such acts or things, and to execute and deliver, or cause to be delivered, any and all such other agreements, amendments, instruments, certificates, documents or papers (including, without limitation, any and all notices and certificates required or permitted to be given or made on behalf of the Issuer to the Successor Trustee or to the Resigning Trustee), under the terms of any of the executed instruments in connection with the resignation of the Resigning Trustee, and the appointment of the Successor Trustee, in the name and on behalf of the Issuer as any of such officers, in his/her discretion, may deem necessary or advisable to effectuate or carry out the purposes and intent of the foregoing resolutions; and to exercise any of the Issuer's obligations under the instruments and agreements executed on behalf of the Issuer in connection with the resignation of the Resigning Trustee and the appointment of the Successor Trustee.

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

Councillor Borst asked for consent to advance Proposal Nos. 302 and 303, 1996 on the agenda. Consent was given.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 302, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 302, 1996 on April 18, 1996. The proposal authorizes the issuance of \$1,800,000 City of Indianapolis Adjustable Rate Economic Development Revenue Bonds, Series 1996 (U.S., LLC Project) to finance the construction and equipping of a 44,460 square foot building located on 7 acres of land at the northwest corner of Belmont and Turner for lease to EHOB, Inc. and use in its orthopedic, prosthetic, and surgical appliance manufacturing business (District 17). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst moved, seconded by Councillor Shambaugh, to amend Proposal No. 302, 1996 in the second "Whereas" paragraph on page 2 to read as follows:

"WHEREAS, on May 15, 1996, a representative of the City will conduct a public hearing on this financing pursuant to Section 24 of the Act and to Section 147(f) of the Internal Revenue Code of 1986, as amended, and will advise the Issuer of the results of such hearing; and"

He explained that the amendment was due to an error in advertising. Proposal No. 302, 1996 was amended by a unanimous voice vote.

The President called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Golc, for adoption. Proposal No. 302, 1996 was adopted on the following roll call vote; viz:

27 YEAS: *Black, Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

0 NAYS:

1 NOT VOTING: *Massie*

1 ABSENT: *Cockrum*

Proposal No. 302, 1996 was retitled SPECIAL ORDINANCE NO. 5, 1996, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 5, 1996

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its \$1,800,000 City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Bonds, Series 1996 (U.S., LLC Project) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (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, a representative of U.S., LLC (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, construction and equipping of approximately a 44,460 square foot building on a seven acre parcel of land at the northwest corner of Belmont and Turner leased to EHOB, Inc. for use in the latter's surgical appliance manufacturing business; and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, construction, installation and equipping of the Project by issuing its \$1,800,000 City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Bonds, Series 1996 (U.S., LLC Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on April 17, 1996 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, on May 15, 1996, a representative of the City will conduct a public hearing on this financing pursuant to Section 24 of the Act and to Section 147(f) of the Internal Revenue Code of 1986, as amended, and will advise the Issuer of the results of such hearing; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of May 1, 1996 by and between the Issuer and Peoples Bank & Trust Company, as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of May 1, 1996, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company 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 financing 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 Loan Agreement, Indenture, the Preliminary Private Placement Memorandum, the Placement Agreement between the Company and Bank One Columbus, N.A. (the "Placement Agent"), 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 1. It is hereby found that the financing 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 financing 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

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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 aggregate principal amount not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000) for the purpose of procuring funds to loan to the Company in order to finance 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 Loan 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 Private Placement Memorandum 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 Private Placement Memorandum is hereby authorized to certify to the Placement Agent that the information in the Preliminary Private Placement Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Private Placement Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest determined as set forth in the Indenture and the Indenture. The use of a Final Private Placement Memorandum substantially the same form as the Preliminary Private Placement Memorandum approved herein is approved for use and distribution by the Placement Agent 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 purchaser, 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. 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 8. 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.

PROPOSAL NO. 303, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 303, 1996 on April 18, 1996. The proposal authorizes the issuance of the \$8,000,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1996 (Faris Avenue Limited Partnership Project) to finance the acquisition and rehabilitation of the existing 354 unit multi-family residential facility located at 6875 Faris

Avenue (District 11). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst moved, seconded by Councillor Gilmer, to amend Proposal No. 303, 1996 to insert a new "Whereas" paragraph at the bottom of the first page and a new Section 7 and renumber Section 7 as Section 8. Proposal No. 303, 1996 was amended by a unanimous voice vote.

The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Gilmer, for adoption. Proposal No. 303, 1996, as amended, was adopted on the following roll call vote; viz:

*27 YEAS: Black, Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*1 NOT VOTING: Short*

*1 ABSENT: Cockrum*

Proposal No. 303, 1996, as amended, was retitled SPECIAL ORDINANCE NO. 6, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1996

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1996 (Faris Avenue Limited Partnership Project), in the aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000) (the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (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 trustee; and

WHEREAS, a representative of Faris Avenue Limited Partnership (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to finance the costs of (i) the acquisition, renovation and equipping of the existing 354-unit multi-family residential facility located at 6875 Faris Avenue, Indianapolis, Indiana on approximately 22.11 acres of land and (ii) the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and that the Project satisfies the requirements for the allocation of a housing credit dollar amount under the Indiana Housing Finance Authority's qualified allocation plan; and

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WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, installation and equipping of the Project by issuing its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1996 (Faris Avenue Limited Partnership Project), in the aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on April 17, 1996 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the City-County Council has at this meeting conducted a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1996, as amended; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of May 1, 1996 between the Issuer and Norwest Bank Indiana, N.A. or other trustee selected by the Company (the "Trustee"), as trustee and to loan the proceeds of the Bonds to the Company pursuant to a Loan Agreement, Mortgage, Security Agreement and Financing Statement, dated as of May 1, 1996 between the Issuer and the Company (the "Loan Agreement") for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Indenture and the Loan Agreement provide for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company 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 financing 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 form of the Indenture; the Loan Agreement; the form of the Bonds; and the Land Use Restriction Agreement, dated as of May 1, 1996 among the Issuer, the Company and the Trustee (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 1. It is hereby found that the financing 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 financing 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 principal amount not to exceed \$8,000,000 and maturing no later than November 1, 2026. Said Bonds are to be issued for the purpose of procuring funds to pay the costs of the acquisition, construction and equipping of the Project as more particularly set out in the Indenture and Loan Agreement, incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Company under the Loan Agreement or as otherwise provided in the above described Indenture. The Bonds shall be issued in fully registered form in the denominations of \$100,000 and \$5,000 increments in excess thereof and shall be redeemable as provided in Article V of the Indenture. Payments of principal and interest are payable in lawful money of the United States of America by check or draft mailed or

delivered to the registered owners as provided in the Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Indianapolis, Indiana, nor are the Bonds payable in any manner from revenues raised by taxation.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the original purchasers thereof at a price not less than ninety-eight percent (98%) of the aggregate principal amount thereof, plus accrued interest, if any, and the underwriter of the Bonds shall also receive a commission in an amount not to exceed 1% of the principal amount of the Bonds. The Bonds shall bear interest at a rate not to exceed nine percent (9.00%) per annum.

SECTION 5. 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 to 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 original purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures 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)(I) through (a)(10).

SECTION 6. 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 7. The City of Indianapolis hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the City of Indianapolis has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the City of Indianapolis as to the feasibility or viability of the Project. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 8. 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.

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

PROPOSAL NOS. 349-359, 1996. Introduced by Councillor Hinkle. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 25, 1996." The Clerk did not schedule Proposal Nos. 349-359, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 349-359, 1996 were retitled REZONING ORDINANCE NOS. 94-104, 1996, and are identified as follows:

REZONING ORDINANCE NO. 94, 1996. 96-Z-20  
7824 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19.  
VERNON and LUREVE BOWLING, by Mitch Sever, request a rezoning of 1.00 acre, being in the D-3 District, to the C-5 classification to provide for commercial development

REZONING ORDINANCE NO. 95, 1996. 96-Z-25 (Amended)  
1501 FOX HILL DRIVE a/k/a 5975 GRANDVIEW DRIVE (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2.  
SEXTON DEVELOPMENT, LLC, by James B. Burroughs, requests a rezoning of 43 acres, being in the SU-I District, to the D-3 classification to provide for residential development.

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REZONING ORDINANCE NO. 96, 1996. 96-Z-29

4411-4565 GUION ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICTS # 2 and # 9.

S & S ASSOCIATES, INC., by James E. Hughes, requests a rezoning of 13.71 acres, being in the D-A District, to the D-3 classification to provide for the construction of single-family residential development.

REZONING ORDINANCE NO. 97, 1996. 96-Z-44

1850 WEST 15TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

PEPPER CONSTRUCTION COMPANY OF INDIANA, LLC, by Joseph D. Calderon, requests a rezoning of 1.134 acres, being in the C-5 District, to the I-2-U classification to provide for light industrial uses including an office and warehouse for a construction company within a portion of an existing building.

REZONING ORDINANCE NO. 98, 1996. 96-Z-55

416 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #13.

LESTER J. and NELL M. BERNITT, by Mitch Sever, requests a rezoning of 3.59 acres, being in the D-A District, to the SU-34 classification to provide for the construction of a meeting hall for American Legion Post 465.

REZONING ORDINANCE NO. 99, 1996. 96-Z-57

7515 ROCKVILLE ROAD (approximate address), INDIANAPOLIS,

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18.

TYLER VanMIEGHEM requests a rezoning of 1.486 acres, being in the D-5 District, to the C-4 classification to provide for commercial uses including a fast food restaurant with a drive-through.

REZONING ORDINANCE NO. 100, 1996. 96-Z-58

3615 SOUTH RURAL STREET a/k/a 3399 EAST NATIONAL AVENUE or 3399 GRIFFIN STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

CHURCH OF ACTS requests a rezoning of 30.4 acres, being in the D-3 and D-A Districts, to the SU-I classification to provide for the construction of a church use including the construction of a church, fellowship hall, day care, seminary dormitory and other uses.

REZONING ORDINANCE NO. 101, 1996. 96-Z-60

4615 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2.

WESTEL-INDIANAPOLIS COMPANY d/b/a CELLULAR ONE, by James A.L. Buddenbaum, requests a rezoning of 0.036 acre, being in the SU-2 District, to the SU-35 classification to provide for the placement of a 100 foot tall monopole cellular communications antenna and the construction of an automated communications and accessory equipment building.

REZONING ORDINANCE NO. 102, 1996. 96-Z-61

1260 SOUTH SENATE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25.

CHRISTINE E. COMBS, by J. Peter Miller, requests a rezoning of 0.11 acre, being in the D-5 District, to the I-3-U classification to provide for industrial uses including the wholesale, assembly, sales, and storage of gift baskets with accessory office use within an existing building.

REZONING ORDINANCE NO. 103, 1996. 96-Z-63

2917 WEST 16TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16.

G & G LAUNDRY CONNECTION requests a rezoning of 0.5 acre, being in the D-5 District, to the C-3 classification to conform zoning classification to the existing laundry facility use and retail commercial use.

REZONING ORDINANCE NO. 104, 1996. 96-Z-64

2840 SOUTH LYNHURST DRIVE (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19.

DUGAN REALTY, LLC c/o DUKE REALTY, LP, by Philip A. Nicely, requests a rezoning of 8.068 acres, being in the D-A(FF)(FW) District, to the I-3-S(FF)(FW) classification to provide for industrial development.

PROPOSAL NO. 360, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on April 25, 1996." The Clerk did not schedule Proposal No. 360, 1996 for hearing pursuant to IC 36-7-4-608. Proposal No. 360, 1996 was retitled REZONING ORDINANCE NO. 105, 1996, and is identified as follows:

REZONING ORDINANCE 105, 1996. 93-Z-112  
4801 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #17.  
Thomas A. Deal requests the Rezoning of 13.1 acres, being in the SU-2 and D-6II Districts to the C-S classification to provide for light industrial development.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 289, 1996. The proposal proposes the rezoning of 40.860 acres at 1721 West Southport Road, being in the D-A (FF)(W-1)(W-5) Districts, to the D-P (FF)(W-1)(W-5) classification to provide for a planned unit development consisting of single-family residential development at a density of approximately 3.125 units per acres (96-Z-47/96-DP-3). Proposal No. 289, 1996 was certified by the Metropolitan Development Commission on April 3, 1996. On April 8, 1996, Councillor Borst moved to schedule Proposal No. 289, 1996 for a public hearing on April 29, 1996. This motion carried by a unanimous voice vote.

Councillor Borst reported that the outstanding issues had been resolved and a public hearing was no longer necessary. Councillor Borst moved, seconded by Councillor Curry, for adoption. Proposal No. 289, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 289, 1996 was retitled REZONING ORDINANCE NO. 93, 1996, and is identified as follows:

REZONING ORDINANCE 93, 1996. 96-Z-47 (96-DP-3)  
1721 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT #25.  
WILLIAM BLANKENSHIP, by William F. LeMond, requests a rezoning of 40.860 acres, being in the D-A (FF)(W-1)(W-5) Districts, to the D-P (FF)(W-1)(W-5) classification to provide for a planned unit development consisting of single-family residential development at a density of approximately 3.125 units per acre.

PROPOSAL NO. 279, 1996. The proposal proposes the rezoning of 1.75 acres at 2150 East National Avenue, being in the D-4 District, to the C-S classification to provide for an office and recreational facility for an indoor golf driving range and soccer use as well as continued residential use of an existing structure (96-Z-4 Amended). Proposal No. 279, 1996 was certified by the Metropolitan Development Commission on April 3, 1996. On April 8, 1996, Councillor

*April 29, 1996*

Coughenour moved to schedule Proposal No. 279, 1996 for a public hearing on April 29, 1996. This motion carried by a unanimous voice vote.

The President said that Robert Elrod, General Counsel, advised him that preliminary conferences were held with the petitioners and remonstrators on April 24 and April 29, and there was no resolution of the matter at these meetings.

Councillor Coughenour stated that the remonstrators did not understand during the original zoning hearings that they had five days to file an appeal. The neighborhood association felt they did not have a chance to present their side of the case. The association asked Councillor Coughenour to give them that opportunity by asking for a public hearing before the Council, since the time frame for an appeal had lapsed.

Raymond Good, attorney and spokesperson for the petitioner, introduced the three principles involved in this petition: John Stack, Bob Runyon, and Jan Tellstrom. Mr. Good explained the project and location and exhibited scale renderings of the golf facility proposed. He listed those groups and businesses within Perry Township which were in favor of this project, including the Perry Township School system, University of Indianapolis, St. Jude's Church, Roncalli High School, and Perry Township administrators. He detailed the businesses and residences surrounding the proposed site and stated that the petitioner had tried to find a location where the golf facility would be as unobtrusive as possible. Mr. Good stated that the C-S zoning designation only permitted them to use the site for this project and that they could not expand or change the project without again petitioning for new zoning uses. He explained that they had made concessions to be sensitive to the aesthetics of the community and had changed their original dimensions and commitments to put up a privacy fence and chain link fence. He explained that Mrs. Laegel, who was the one resident living to the immediate west of the proposed facility, had authorized him to say that if the petitioner met with these commitments, she was in favor of the project. Mr. Good stated that the Commission had heard the petition and approved the zoning use unanimously. He detailed commitments to which the petitioner had agreed: the limited height of the dome, the number of parking spaces provided, the concession not to use Developer's Road, the provision of privacy and chain link fences, the proposed hours of business, and the agreement not to sell liquor. Mr. Good addressed the accusations made by a letter from the Carson Heights Neighborhood Association regarding Mr. Stack's ownership of the Pizza Hut one property away and was alleged to have dealt in drugs. He stated that this allegation was unqualifiedly false and referred to a police report provided by Mr. Stack in the packets provided to prove this accusation false.

Frank Hogan, attorney for the remonstrators, explained that he was contacted after this proposal had already been approved by the Commission and was not able to advise the remonstrators of the five-day appeal process. He expressed regret that the personal attack had been made on Mr. Stack's character and that as far as he knew, this was not an issue. He stated that according to a letter he had received, St. Jude Church had not authorized Mr. Good to use their name as an organization in favor of this proposal. Mr. Hogan referred to drawings which had been distributed and indicated the obstructive view from the Newman residence. He voiced the opposition of Mr. and Mrs. Satkamp, who owned the commercial businesses bordering this site. He stated that the remonstrators were not in opposition of indoor golf, but felt that the aesthetics of this facility and traffic caused by its use would be a detriment to the community and surrounding businesses.

Marjorie Nackenhorst, chairman of the Garfield Park Tennis Club Neighborhood Association, read a letter she had sent to the Councillors regarding this project. She emphasized the traffic problems and unattractive view this facility would create.

Ann Nichelson, a representative of the Carson Heights Neighborhood Association, stated that the association had met with 37 people in attendance and were in opposition to this project because of the crime and drug element already escalating in the area. She added that the facility was too large for this site and would cause traffic problems.

Mr. Hogan concluded with statistics representing a 12% increase in parking spaces and a 70% increase in tee positions, even though the dome size had been reduced. He added that the remonstrators had not been given the chance to present evidence before the Commission and thanked Councillor Coughenour for allowing them to do so before this body.

Councillor Boyd asked if any conversation of compromise was attempted in the preliminary conferences. Mr. Good responded that the petitioners had tried to compromise on the ultimate aesthetic issue, but the concessions of reducing the height of the dome were still not satisfactory for the remonstrators. He added that both sides had worked very hard to reach a compromise.

Councillor Coonrod asked if this facility would have any effect on property values in the area. Mr. Good stated that if this project did not succeed, the dome could be taken down much more easily than a permanent building; if the project did succeed, there should be only positive effect on property values in the area. He stated that it should not be negative in either respect.

Councillor Borst stated that his original intent was to vote against this project, but that he had changed his mind after attending the neighborhood association meeting. He felt the space was too small for this facility.

Councillor Short stated that he felt that it was an injustice to Mr. Stark to have him produce a criminal history report in order to construct a family facility. He added that this use would not likely bring in the "criminal element." He stated that he felt there was a distorted picture being represented and that not all of those who spoke for the remonstrators live within two blocks from this site.

Councillor Franklin stated that this zoning use would not emit any hazardous gases and did not feel it was detrimental to the neighborhood. He felt the "crime element" was a non-issue with this project.

Councillor Borst stated that the remonstrators were not aware of the five-day appeal rule and said that Moira Carlstedt, Department Director, should address the issue of making sure remonstrators knew the process.

Councillor Massie stated that the bulk of the remonstrators and that at least two of the petitioners lived within his district, although the site for the facility itself was just outside of his district. He stated that he had heard from only one resident. He said the crime and drugs was a non-issue and that the petitioners had tried to accommodate the residents and come to some compromise. He added that as a representative of the remonstrators, he would have to vote against the project, but that personally, he felt this was a fine project and would encourage his fellow Councillors to vote for the project.

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Councillor Bradford stated that he would be abstaining from this vote due to a conflict of interest with the petitioner.

Councillor Coughenour stated that in looking at this project strictly from a land use, as instructed to do, she would be in support of the Commission's decision. She added that in view of the greater neighborhood, she did not feel this project would have a negative impact, but rather believes it would have a positive effect on the community as a whole.

The President called for a vote stating that a yes vote would be in favor of the petitioner and a no vote in favor of the remonstrators and that in order to overturn the Commission's ruling the remonstrators must have at least 18 votes. Proposal No. 279, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 279, 1996 was retitled REZONING ORDINANCE NO. 106, 1996, and is identified as follows:

REZONING ORDINANCE 106, 1996. 96-Z-4 (Amended)  
2150 EAST NATIONAL AVENUE (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT #24.  
JOHN STACK, by Raymond Good, requests the rezoning of 1.75 acres, being in the D-4 District, to the C-S classification to provide for an office and recreational facility for an indoor golf driving range and soccer use as well as continued residential use of an existing structure.

PROPOSAL NO. 206, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 206, 1996 on April 22, 1996. The proposal approves the issuance of Promissory Notes in connection with a HUD Section 108 guaranteed loan in the amount of \$7,600,000 for the purpose of assisting the development of industrial parks in Center Township, the redevelopment of property near the intersection of Martin Luther King and 16th Street, and other projects to be determined. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 10:07 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Smith, for adoption. Proposal No. 206, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 206, 1996 was retitled GENERAL RESOLUTION NO. 3, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 1996

A GENERAL RESOLUTION approving the issuance by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, of Promissory Notes in an amount not to exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) for the purpose of assisting the development of industrial parks in Center Township, the redevelopment of property located near the intersection of Martin Luther King and 16th Street, and other projects to be determined; and approving a Contract for Loan Guarantee Assistance ("Loan Guaranty Contract") between the City and the Secretary of Housing and Urban Development under Section 108 of the Housing and Community Development Act of 1974, as amended, in connection with the issuance of such Promissory Notes.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana ("Commission") has adopted Resolution No. 96-F-002 (the "Resolution"), authorizing the issuance of Promissory Notes of the City of Indianapolis, Department of Metropolitan Development, in an amount not to exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) (the "Notes"); and

WHEREAS, the Notes will be repaid from the following sources, which will be the collateral for the loan and will be pledged as security for repayment:

- (a) All allocations or grants which have been made or for which the City may become eligible under Section 106 of Title I, as well as any grants which are or may become available to the City pursuant to Section 108(q) of Title I.
- (b) "Program Income," as defined at 24 CFR 570.500(a) (or any successor regulation), which is generated from the above described grant funds.
- (c) First or second lien positions on real estate upon which the projects will be developed and located.
- (d) All proceeds (including insurance and condemnation proceeds) from Pledged Grants or Section 108 Program Income, and to the extent required from other Program Income.
- (e) All funds or investments in any accounts established pursuant to the Loan Guarantee Contract.

WHEREAS, projects are yet to be determined and the amounts appropriated herein shall not be spent or encumbered until the Council has approved the project or projects.

WHEREAS, the proceeds of the Promissory Notes will be applied to the costs of the projects identified herein or hereafter approved by this Council, all as set forth in the Resolution and shall be expended only on costs for which such funds may be expended under Section 108 of the Act and regulations adopted pursuant thereto; 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 hereby approves Resolution No. 96-F-0012 adopted by the Commission and the issuance of the Promissory Notes in an amount not to exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) authorized therein.

SECTION 2. The City-County Council hereby designates the Commission as a public agency under Section 108 of the Act authorized to issue the obligations referred to in Section 108 and to enter into the Loan Guarantee Contract, and the Council hereby approves the Loan Guarantee Contract and any other documents required to be executed by the City or the Commission in connection with the Section 108 Loan Guarantee Program.

SECTION 3. The City-County Council hereby irrevocably pledges to the timely and punctual payment of the principal of an interest on the Notes: (a) All allocations or grants which have been made or for which the City may become eligible under Section 106 of Title I, as well as any grants which are or may become available to the City pursuant to Section 108(q) of Title I; (b) "Program Income," as defined at 24 CFR 570.500(a) (or any successor regulation), which is generated from the above described grant funds; (c) First or second lien positions on real estate upon which the projects will be developed and located; (d) All

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proceeds (including insurance and condemnation proceeds) from Pledged Grants or Section 108 Program Income, and to the extent required from other Program Income; and (e) All funds or investments in any accounts established pursuant to the Loan Guarantee Contract.

SECTION 4. The proceeds from the sale of the Notes in an amount not to exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) are hereby appropriated in the Federal Non-Reverting Fund for the Projects described herein for the life of those Projects.

SECTION 5. This Resolution shall be effective upon compliance with IC 36-3-4-14.

PROPOSAL NO. 208, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 208, 1996 on March 21, 1996. The proposal is an appropriation of \$760,000 for the Department of Parks and Recreation to make capital improvements financed from the Consolidated County Cumulative Capital Development Fund balance. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Franklin asked what the reasoning behind the one abstention was. Councillor Shambaugh stated that Councillor Massie had abstained until he had a chance to consult with the Southport Mayor.

Councillor Coonrod stated that he had attended the Committee meeting and had spoken in opposition to this proposal due to the fact that it would permit a county-wide property tax to be used to fund a service that was not provided county-wide. He stated that this appropriation should have been taken from another fund.

Councillor Bradford asked about the Central Canal project and the money allotted for it in this proposal. He stated that he had been contacted by Chuck Hubert, Vice President of the Indiana Canal Society, who had raised some questions about this proposal. Ray Wallace, Director of the Department of Parks and Recreation, stated that the \$500,000 would be used for a lease agreement with the Indianapolis Water Canal for a trail that would begin in Broad Ripple and continue down to 30th Street. Councillor Bradford asked if he could get a copy of the lease, and stated that it seemed an exorbitant amount of money to invest in a trail that had been in place for over 150 years. He said that he would like the proposal tabled until his questions had been answered.

The President called for public testimony at 10:20 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Coonrod, to table Proposal No. 208, 1996. Proposal No. 208, 1996 was tabled on the following roll call vote; viz:

17 YEAS: *Borst, Bradford, Coonrod, Dowden, Franklin, Gilmer, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Smith, Talley, Tilford*  
11 NAYS: *Black, Boyd, Brents, Coughenour, Curry, Golc, Gray, Jones, Shambaugh, Short, Williams*  
1 ABSENT: *Cockrum*

The President asked Mr. Wallace to make preparations and address Councillor Bradford's questions by the next Council meeting on May 20. He asked for consent to send Proposal No. 208, 1996 back to Committee to have these questions answered. Consent was given.

PROPOSAL NO. 209, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 209, 1996 on March 21, 1996. The proposal is an appropriation

of \$4,480,000 for the Department of Parks and Recreation to make capital improvements financed by grants from Lilly Endowment. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor O'Dell asked what percentage of the \$4.5 million would go directly into projects. Mr. Wallace stated that he did not know the exact amount, but that other than the \$30,000 consulting contract, the bulk of the remaining monies would go straight into the projects.

The President called for public testimony at 10:26 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor O'Dell, for adoption. Proposal No. 209, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 209, 1996 was retitled FISCAL ORDINANCE NO. 30, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Four Million Four Hundred Eighty Thousand Dollars (\$4,480,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for capital improvements to various parks

SECTION 2. The sum of additional Four Million Four Hundred Eighty Thousand Dollars (\$4,480,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	612,000
4. Capital Outlays	<u>3,868,000</u>
TOTAL INCREASE	4,480,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>4,480,000</u>
TOTAL REDUCTION	4,480,000

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

PROPOSAL NO. 210, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 210, 1996 on March 20, 1996. The proposal is an appropriation to distribute \$1,424,769 of deferral fees to the Prosecuting Attorney, County Auditor, County Sheriff, and Marion County Superior Court financed by revenues in the Deferral Fee Fund. Councillor Dowden moved, seconded by Councillor Borst, to postpone Proposal No. 210, 1996 until the May 20th Council meeting. Proposal No. 210, 1996 was postponed by a unanimous voice vote.

Councillor Dowden stated that Proposal No. 210, 1996 was not posted on the Committee's agenda for May 1, 1996 at 5:00 p.m., but would be heard at that meeting.

PROPOSAL NO. 214, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 214, 1996 on April 10, 1996. The proposal is an appropriation of \$75,281 for the Department of Public Safety, Police Division, to establish in partnership with the Hudson Institute a national model for using criminology more directly to help fight crime financed by a federal grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:29 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 214, 1996 was adopted on the following roll call vote; viz:

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

The President stated that he abstained due to a conflict of interest as a trustee of Hudson Institute.

Proposal No. 214, 1996 was retitled FISCAL ORDINANCE NO. 31, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Seventy-five Thousand Two Hundred Eighty-one Dollars (\$75,281) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the 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 1.01 (n) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, for the Criminology Against Crime, a partnership with the Hudson Institute.

SECTION 2. The sum of additional Seventy-five Thousand Two Hundred Eighty-one Dollars (\$75,281) 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:

DEPARTMENT OF PUBLIC SAFETY  
POLICE DIVISION

3. Other Charges and Services	69,281
4. Capital Outlays	<u>6,000</u>
TOTAL INCREASE	75,281

FEDERAL GRANTS FUND

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

Unappropriated and Unencumbered	
Federal Grants Fund	<u>75,281</u>
TOTAL REDUCTION	75,281

FEDERAL GRANTS FUND

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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 215, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 215, 1996 on March 20, 1996. The proposal is an appropriation of \$84,400 for the Department of Public Safety, Fire Division, to fully fund the 1996 purchase of firefighting apparatus financed from the City Cumulative Capital Development Fund balance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams asked if this safety equipment was for fire apparatus or equipment for the firefighters. Councillor Dowden responded that a portion of the appropriation was the remainder of a payment on a fire engine and partly for other equipment.

The President called for public testimony at 10:31 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 215, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 215, 1996 was retitled FISCAL ORDINANCE NO. 32, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Eighty-four Thousand Four Hundred Dollars (\$84,400) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Fire Division and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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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 (n) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to fully fund purchase of firefighting apparatus.

SECTION 2. The sum of Eighty-four Thousand Four Hundred Dollars (\$84,400) 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>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CITY CUMULATIVE CAPITAL</u>
<u>FIRE DIVISION</u>	<u>DEVELOPMENT FUND</u>
4. Capital Outlays	84,400
TOTAL INCREASE	84,400

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

	<u>CITY CUMULATIVE CAPITAL</u>
	<u>DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	84,400
TOTAL REDUCTION	84,400

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

PROPOSAL NO. 217, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 217, 1996 on March 20, 1996. The proposal is an appropriation of \$120,000 for the Metropolitan Emergency Communications Agency to replace 3 radio antenna towers used in the MECA system financed from the Metropolitan Emergency Communications Fund balance. Councillor Dowden explained that this appropriation was to fund the replacement of a tower due to storm damage. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Curry stated that the preliminary analysis of towers was incorrect in relation to weights and structures. He added that when one of the three towers fell over in a storm, all three were analyzed again to check for safety factors. This proposal is to seek recovery from the vendor who did the original analysis, replacement of the tower which fell over, and a preemptory analysis to replace the other two because of structure hazards. Councillor Curry explained that a lot of this money would be recovered, but time factors necessitated this appropriation at this time.

The President called for public testimony at 10:36 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 217, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Golc

1 ABSENT: Cockrum

Proposal No. 217, 1996 was retitled FISCAL ORDINANCE NO. 33, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 1996

A FISCAL ORDINANCE amending the 1996 annual budget of the Metropolitan Emergency Communications Agency (MECA) (City-County Fiscal Ordinance No. 85, 1995) appropriating an additional One-Hundred and Twenty-Thousand Dollars (\$120,000) in the Metropolitan Emergency Communications Agency Fund for purposes of Metropolitan Emergency Communications Agency (MECA), and reducing the unappropriated and unencumbered balance in the MECA 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 of which has arisen since the adoption of the annual budget, Section 1(a) of the MECA budget for 1996 be, and is hereby, amended by the increase hereinafter stated for purposes of MECA for the acquisition and installation of radio antenna towers.

SECTION 2. The sum of One-Hundred and Twenty-Thousand Dollars (\$120,000) be and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND</u>
4. Capital Outlay	<u>120,000</u>
TOTAL INCREASE	120,000

SECTION 4. The additional appropriation is funded by the following reduction in the MECA Fund:

	<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND</u>
Unappropriated and Unencumbered MECA Fund	<u>120,000</u>
TOTAL REDUCTION	120,000

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

PROPOSAL NO. 250, 1996. Councillor Hinkle reported that Metropolitan Development Committee heard Proposal No. 250, 1996 on April 22, 1996. The proposal is an appropriation of \$100,000 for the Department of Metropolitan Development, Planning Division, to pay for infrastructure improvements financed by revenues from a Build Indiana Grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:38 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 250, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 250, 1996 was retitled FISCAL ORDINANCE NO. 34, 1996, and reads as follows:

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CITY-COUNTY FISCAL ORDINANCE NO. 34, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the State Grants Fund for purposes of the Department of Metropolitan Development, Division of Planning and reducing the unappropriated and unencumbered balance in the State 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 1.01 (k) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Planning Division

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>STATE GRANTS FUND</u>
<u>PLANNING DIVISION</u>	
3. Other Charges and Services	<u>100,000</u>
TOTAL INCREASE	100,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>100,000</u>
TOTAL REDUCTION	100,000

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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 251, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 251, 1996 on April 22, 1996. The proposal is an appropriation of \$1,300,000 for the Department of Metropolitan Development, Division of Economic and Housing Development and Division of Permits, to pay for various projects financed from the Consolidated County Fund and Redevelopment General Fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:40 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 251, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Coughenour, Gilmer, Golc

1 ABSENT: Cockrum

Proposal No. 251, 1996 was retitled FISCAL ORDINANCE NO. 35, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Four Hundred Fifty Thousand Dollars (\$450,000) Consolidated County Fund for purposes of the Department of Metropolitan Development, Division of Permit and Eight Hundred Fifty Thousand Dollars (\$850,000) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development, Division of Economic and Housing Development and reducing the unappropriated and unencumbered balance in the Consolidated County Fund and Redevelopment General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (k) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Economic and Housing Development, and Division of Permit

SECTION 2. The sum of One Million Three Hundred Thousand Dollars (\$1,300,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>DIVISION OF ECONOMIC AND HOUSING DEVELOPMENT</u>	<u>REDEVELOPMENT</u> <u>GENERAL FUND</u>
3. Other Charges and Services	250,000
4. Capital Outlays	<u>600,000</u>
TOTAL INCREASE	850,000

<u>DIVISION OF PERMITS</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Charges and Services	375,000
4. Capital Outlays	<u>75,000</u>
TOTAL INCREASE	450,000

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

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered Redevelopment General Fund	<u>850,000</u>
TOTAL REDUCTION	850,000

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Consolidated County Fund	<u>450,000</u>
TOTAL REDUCTION	450,000

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

PROPOSAL NO. 258, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 258, 1996 on April 10, 1996. The proposal is an appropriation of \$83,341 for the Marion County Public Defender, Prosecuting Attorney, Marion County Superior Court, and the County Auditor to allocate increased funding for the Expedited Trial Program financed by a state grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

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The President called for public testimony at 10:41 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 258, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 258, 1996 was retitled FISCAL ORDINANCE NO. 36, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Eighty-three Thousand Three Hundred Forty-one Dollars (\$83,341) in the State and Federal Grant Fund for purposes of the Marion County Public Defender, Prosecuting Attorney, Marion County Superior Court, and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant 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 (u,v,cc,b) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency, Prosecuting Attorney, Marion County Superior Court, and the County Auditor to allocate an appropriation of increased funding received from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Eighty-three Thousand Three Hundred Forty-one Dollars (\$83,341) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PUBLIC DEFENDER</u>	<u>STATE AND FEDERAL GRANT FUND</u>
I. Personal Services	10,313
<u>PROSECUTING ATTORNEY</u>	
I. Personal Services	34,875
<u>MARION COUNTY SUPERIOR COURT</u>	
I. Personal Services	21,750
<u>COUNTY AUDITOR</u>	
I. Personal Services - fringes	<u>16,403</u>
TOTAL INCREASE	83,341

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grant Fund	<u>83,341</u>
TOTAL REDUCTION	83,341

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

PROPOSAL NO. 259, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 259, 1996 on April 10, 1996. The proposal is an appropriation of \$82,128 for the Marion County Public Defender Agency to fund a study by American University pursuant to Fiscal Ordinance No. 112, 1995 financed from the County General Fund balances. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden explained that the one abstention was due to lack of information which has since been received to the Committee's satisfaction.

The President called for public testimony at 10:43 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 259, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 259, 1996 was retitled FISCAL ORDINANCE NO. 37, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Eighty-two Thousand One Hundred Twenty-eight Dollars (\$82,128) in the County General Fund for purposes of the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.02(u) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes the Marion County Public Defender Agency and a study of the Marion County Public Defender Agency by American University pursuant to City-County Fiscal Ordinance 112, 1995, and Proposal #678, 1995, as amended.

SECTION 2. The sum of Eighty-two Thousand One Hundred Twenty-eight Dollars (\$82,128) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	82,128
TOTAL INCREASE	82,128

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	82,128
TOTAL REDUCTION	82,128

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

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PROPOSAL NO. 261, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 261, 1996 on April 10, 1996. The proposal is an appropriation of \$58,660 for the Marion County Public Defender Agency to pay for sentencing support services for indigent, non-violent, and drug-addicted defendants financed by a state grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:45 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 261, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 261, 1996 was retitled FISCAL ORDINANCE NO. 38, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Fifty-eight Thousand Six Hundred Sixty Dollars (\$58,660) in the State and Federal Grant Fund for purposes of the Marion County Public Defender and the County Auditor to reduce the unappropriated and unencumbered balance in the State and Federal Grant 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 (u,b) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency and County Auditor to pay for sentencing support services for indigent, non-violent and drug addicted defendants.

SECTION 2. The sum of Fifty-eight Thousand Six Hundred Sixty Dollars (\$58,660) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>STATE AND FEDERAL GRANT FUND</u>
1. Personal Services	30,315
2. Supplies	863
3. Other Services and Charges	21,928
 <u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>5,554</u>
TOTAL INCREASE	58,660

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grant Fund	<u>58,660</u>
TOTAL REDUCTION	58,660

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

PROPOSAL NO. 265, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 265, 1996 on April 11, 1996. The proposal is an appropriation of \$100,000 for the Department of Public Works, Administration, to pay for Brownfields Redevelopment Pilot Program financed by an EPA federal grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider asked how many individual properties this appropriation would be used for and if there were not already agencies in place to do this assessment. Councillor Coughenour stated that she did not have a definite number. There is no government agency in place to do these assessments. This grant would be used to pay private companies to do this inventory and assessment. This money is not for clean-up purposes, but for assessment of which properties might qualify for clean-up.

Councillor Franklin stated that the Federal Government through Environmental Protection Agency would normally do these assessments themselves. He added that in this case, the government was providing the dollars and allowing this service to be bid out locally. This money is for phase one assessments to allow the EPA to locate properties that need to be cleaned up in order to be sold.

The President called for public testimony at 10:54 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Franklin, for adoption. Proposal No. 265, 1996 was adopted on the following roll call vote; viz:

*21 YEAS: Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Short, Talley, Tilford, Williams*

*6 NAYS: Bradford, Coonrod, Dowden, Schneider, Shambaugh, Smith*

*1 NOT VOTING: Black*

*1 ABSENT: Cockrum*

Proposal No. 265, 1996 was retitled FISCAL ORDINANCE NO. 39, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Federal Grants Fund for purposes of the Department of Public Works, Administration and reducing the unappropriated and unencumbered balance in the 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 1.01 (l) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Administration.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

April 29, 1996

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ADMINISTRATION</u>	<u>FEDERAL GRANTS FUND</u>
2. Supplies	2,000
3. Other Services and Charges	<u>98,000</u>
TOTAL INCREASE	100,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>100,000</u>
TOTAL REDUCTION	100,000

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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 267, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 267, 1996 on April 9, 1996. The proposal approves a preliminary determination for the County to enter into a lease with the Building Authority in connection with the financing of the proposed supplemental jail facility at 730 East Washington Street and 752 East Market Street. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:56 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Dowden, for adoption. Proposal No. 267, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 267, 1996 was retitled GENERAL RESOLUTION NO. 4, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 1996

A GENERAL RESOLUTION approving the preliminary determination for the County to enter into a lease or leases with the Indianapolis-Marion County Building Authority, as lessor, in connection with its financing of all or a portion of the renovated additional jail facilities, located at 730 East Washington Street, Indianapolis, Indiana, and 752 East Market Street, Indianapolis, Indiana, with a maximum lease term of 21 years, a maximum annual lease rental of \$1,615,000, which annual lease rentals will be used to pay the principal of, and interest on, revenue bonds issued by the Indianapolis-Marion County Building Authority.

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "City-County Council"), has given consideration to the renovation of the buildings located at 730 East Washington Street, Indianapolis, Indiana, and 752 East Market Street, Indianapolis, Indiana (the

"Buildings"), for the primary purpose of using such Buildings, once renovated, as an additional location to house inmates, which would otherwise be housed at the Marion County Jail; and

WHEREAS, pursuant to Indiana Code § 6-1.1-20-3.1, if the City-County Council proposes to impose property taxes to pay debt service or lease rentals on any construction, renovation, improvement, remodeling, alteration or expansion project, which is not excluded under Indiana Code § 6-1.1-20-1.1, it must conduct a public hearing on the preliminary determination to proceed with the project prior to the City-County Council's adoption of any resolution or ordinance making a preliminary determination to issue bonds or enter into a lease; and

WHEREAS, notice of said hearing has been given in accord with Indiana law; and

WHEREAS, interested parties have been given the opportunity to present testimony and ask questions concerning the proposed renovation of the Buildings, for the primary purpose of using such Buildings, once renovated, as an additional location to house inmates, which would otherwise be housed at the Marion County Jail (as hereinafter more fully described, the "Project"), and this City-County Council has heard public input concerning the Project at a public hearing held this date; and

WHEREAS, the City-County Council being duly advised, finds that it is in the best interests of the City of Indianapolis, Indiana (the "City"), and Marion County, Indiana (the "County"), and its citizens to enter into negotiations with the Indianapolis-Marion County Building Authority (the "Authority") for the Authority to acquire all or a portion of the Buildings, located at 730 East Washington Street, Indianapolis, Indiana, and 752 East Market Street, Indianapolis, Indiana, including the site and appurtenances thereto, and for the County to enter into a lease or leases with the Authority, as lessor, for all or a portion of the Buildings, upon acquisition of the Buildings by the Authority, in order to better serve the residents of the City and the County; 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 hereby makes a preliminary determination for the County to enter into a lease or leases (collectively, the "Lease") of all or a portion of the Buildings, upon acquisition of such by the Authority, pursuant to which the Authority will renovate, construct and equip all or a portion of the Buildings for the primary use as an additional location to house inmates, which would otherwise be housed at the Marion County Jail, consisting of renovations to all or a portion of all four floors of the Buildings to allow for an inmate bed capacity of approximately 670, a food service facility, indoor/outdoor recreational facilities, office space and clerical support space for County employees, and other program and service areas (collectively, the "Project"). The Authority will finance all or a portion of the Project through the issuance of revenue bonds by the Authority, as lessor, in the maximum principal amount of \$15,550,000. The Lease is for a maximum term of twenty-one (21) years, beginning on the date all or a portion of the Buildings are acquired by the Authority. The estimated interest rates that will be paid in connection with the Lease will range from 6.70% to 8.01% (for an overall average interest rate of 8.00% per annum), and the total interest costs associated with the lease are \$16,115,662. Including interest costs, the maximum annual lease rental to be paid by the County for the Buildings, once such Buildings are renovated, completed and ready for occupancy, is \$1,615,000, and the maximum lease rental over the term of the lease is \$30,556,409.

SECTION 2. A notice of the foregoing preliminary determination to enter into a lease or leases shall be given in accordance with Indiana Code Section 6-1.1-20-3.1.

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

Councillor O'Dell requested that Proposal No. 208, 1996 be removed from the table due to a time factor involved in a portion of this proposal in Councillor Golc's district. Councillor O'Dell moved, seconded by Councillor Schneider, to remove Proposal No. 208, 1996 from the table for discussion and a vote. The motion carried by a voice vote.

*April 29, 1996*

Councillor Bradford stated that he had spoken to the Parks Director and still has concerns and does not feel his constituent has had his questions answered. He stated that he feels his district needs to be heard on this proposal.

Councillor Shambaugh stated that Councillor Golc has a great need for this proposal to be passed this evening so that the schedule could be met on the indoor aquatic center project in his district. He added that Ray Irvin, Greenways Project Leader, or City Controller James Steele could address Mr. Bradford's issues dealing with the canal project.

Councillor Bradford stated that he had spoken with Mr. Irvin and was not satisfied with the answers he received and the fact that his constituent's questions still had not been answered. He moved that the appropriation for the aquatic center project and the appropriation for the canal project be separated into two proposals, so that the City could move forward on Councillor Golc's project.

Councillor Coonrod stated that his concern with this proposal was based on the fact that the fund this appropriation was coming from was inappropriate. He stated that it is a matter of policy on how the Council allocates tax dollars. He added his support of the motion to table.

Councillor Schneider asked if the proposal could be amended to support Councillor Bradford's motion. General Counsel, Robert Elrod, stated that the \$500,000 for the canal project could be eliminated from this proposal through the amendment process and could be reintroduced as a separate proposal.

Councillor Coonrod stated that the proposal should be further amended so that the appropriation came from the City Cumulative Development Fund instead of the County fund.

Councillor Short asked if Mr. Steele could explain how the system works in the disbursement of funds. Mr. Steele stated that when the annual budget was constructed, City and County Cumulative Funds were allocated and that most of the Park Department budget was funded by the County Fund. Both funds come from the same district and have the same tax rate. These allocations are based on City statutes. Mr. Steele stated that changing the funding schedule at this time was not appropriate, but that the statutes should be evaluated during the annual budget process.

Councillor Golc stated that this funding issue had been brought up in the Committee meeting. He added that this is not the issue before the Council at this time, but should be visited during the budget process. He stated that it is urgent that the aquatic center project remain on schedule.

Councillor Gray asked why Mr. Hubert, Councillor Bradford's constituent, was not present at the neighborhood association meetings. All of the Greenways projects involved neighborhood meeting input, and that if Mr. Hubert were overly concerned or had questions about this project, he should have attended those meetings.

Councillor Franklin stated that in the minutes of the Committee the issue of the appropriate fund had been brought up. He stated that he is in agreement with Councillor Coonrod's assessment that the County fund should not support this appropriation.

Councillor Short stated that Mr. Irvin held numerous meetings on every Greenways project and asked him to explain the status of the canal project. Mr. Irvin explained the two phases of the canal project. He stated that the second phase would not be completed until next year since it extended into Broad Ripple, which was a sensitive area. He added that he has been working with Mr. Hubert who is a partner of the Greenways projects and has been in constant communication with him.

Councillor Bradford asked what neighborhood associations had been contacted. Mr. Irvin stated that none of the neighborhood associations in Councillor Bradford's district were in the areas of this proposed project. Councillor Bradford stated that he did not feel that his constituents were being represented.

Councillor Bradford moved, seconded by Councillor Schneider, to amend Proposal No. 208, 1996 to delete the \$500,000 appropriation for the canal project. A voice vote was taken on which the President ruled the Nays to have precedence. Councillor Bradford called for division.

The President passed the gavel to Vice President McClamroch. He stated that Mr. Irvin was doing a superb job with the Greenways projects and that he appreciated Councillor Bradford's concerns. He stated that the correct funding issue should also be investigated.

The Vice President returned the gavel to President SerVaas. Proposal No. 208, 1996 was amended on the following roll call vote; viz:

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

Councillor Gray stated that he felt that the canal project should not be held up just to satisfy one person.

Councillor Golc explained the aquatic center project and its timeline and thanked Councillor Bradford for making the amendment so that this project could go forward.

Councillor Short moved, seconded by Councillor Moores, to adopt the amended version of Proposal No. 208, 1996. Proposal No. 208, 1996, as amended, was adopted on the following roll call vote; viz:

*24 YEAS: Black, Borst, Boyd, Bradford, Brents, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*  
*4 NAYS: Coonrod, Franklin, Hinkle, O'Dell*  
*1 ABSENT: Cockrum*

Councillor Gilmer asked what would happen to the appropriation for \$500,000 and the canal project. General Counsel Robert Elrod stated that the appropriation for \$500,000 would be introduced as Proposal No. 361, 1996 and would be re-advertised for action at the next Council meeting.

April 29, 1996

Proposal No. 208, 1996, as amended, was retitled as FISCAL ORDINANCE NO. 40, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Two Hundred Sixty Thousand Dollars (\$260,000) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for capital improvements to various parks

SECTION 2. The sum of additional Two Hundred Sixty Thousand Dollars (\$260,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlays	<u>260,000</u>
TOTAL INCREASE	260,000

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

	<u>CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
Consolidated County Cumulative Capital Development Fund	260,000
TOTAL REDUCTION	260,000

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. 1, 1996. Councillor Curry stated that the Rules and Public Policy Committee heard Proposal No. 1, 1996 at several meetings. The proposal establishes the Regulatory Research and Review Committee of the City-County Council and adopts procedures requiring reviews of certain ordinance proposals and regulations. Councillor Curry noted amendments that had been made at the meetings which were not shown in the document received in the Councillors' agenda packet. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Massie, to accept the amended version of Proposal No. 1, 1996. The motion carried by a unanimous voice vote.

Councillor Williams moved to strike Proposal No. 1, 1996 and replace it with a proposal for a Council Resolution urging the Council to commit to focusing on regulatory review. Councillor Short seconded, and a voice vote was taken. The President ruled that the Nays prevailed.

Councillor Williams called for a division vote. The motion to strike Proposal No. 1, 1996 failed on the following roll call vote; viz:

*14 YEAS: Black, Boyd, Brents, Coughenour, Gilmer, Golc, Gray, Hinkle, Jones, Moriarty Adams, O'Dell, Short, Talley, Williams*

*14 NAYS: Borst, Bradford, Coonrod, Curry, Dowden, Franklin, Massie, McClamroch, Moores, Schneider, SerVaas, Shambaugh, Smith, Tilford*

*1 ABSENT: Cockrum*

Councillor Dowden moved, seconded by Councillor Schneider, to close debate and adopt Proposal No. 1, 1996 as amended.

Councillor McClamroch stated that it was obvious from the vote on the motion to strike that there was considerable support for regulatory review. The important concept to be emphasized is that the Council should pay more attention to details and regulations and that a process should be put in place to adopt regulations. Councillor McClamroch referred to a letter from Moira Carlstedt on the subject regulatory review decisions regarding permits made by officials in the Metropolitan Development Department. He stated that new regulations should have to comply with a process of approval, and that this new Committee would serve as an instrument of that process.

Councillor Hinkle asked if Ms. Carlstedt could address the subject of the letter to which Councillor McClamroch had referred. The President ruled that she could. Ms. Carlstedt stated that this letter was a result of issues brought up by the Public Safety and Criminal Justice Committee. The Metropolitan Development Department had been asked by MECA to assist them in getting current addresses for emergency run purposes. Ms. Carlstedt stated that the letter to which Councillor McClamroch referred was the instrument they chose to use.

Councillor McClamroch asked Ms. Carlstedt if the regulations stated in this letter would be required from this point forward. She answered that they would. Councillor McClamroch asked if any public notice or public hearing had been made regarding these new regulations. She stated that none had been made. Councillor McClamroch stated that one of the points of this proposal is to make the public aware of any changes in regulations or new regulations.

Councillor Williams asked what the fiscal impact of this new committee would be and referred to Councillor McClamroch's referral to "additional staff" in a recent newspaper article. Councillor McClamroch stated that there should be no added costs due to the formation of this new committee and that the mention of "additional staff" was before these final amendments had been put in place.

Councillor Boyd offered a further amendment. General Counsel Robert Elrod stated that a motion was currently on the floor and as a point of order needed to be voted on before another motion could be made. The President called for a vote to close debate on Proposal No. 1, 1996. A voice vote was taken, and the President ruled in favor of the Yeas. Councillor Boyd called for division. The motion to close debate failed on the following roll call vote; viz:

*13 YEAS: Bradford, Coonrod, Curry, Dowden, Franklin, Massie, McClamroch, Moores, Schneider, SerVaas, Shambaugh, Smith, Tilford*

*15 NAYS: Black, Borst, Boyd, Brents, Coughenour, Gilmer, Golc, Gray, Hinkle, Jones, Moriarty Adams, O'Dell, Short, Talley, Williams*

*1 ABSENT: Cockrum*

Councillor Boyd moved to make an amendment stating that if a proposal stayed before this committee for a lengthy amount of time without action, that it be allowed to move on through the adoption process. Councillor McClamroch stated that language in this proposal had already been changed to allow taking proposals out of this committee. Councillor Schneider said that there were already rules in place to insure that a proposal could only stay in a committee for 45 days.

Councillor Coughenour stated that this proposal seemed to be defeating its own purpose and that prolonging the time frame for instituting some of these regulations would prove ineffective. Councillor McClamroch stated that all regulations must go through some type of process to be put in force and that the new committee should not hinder that process.

Councillor Coonrod moved, seconded by Councillor Gray, to amend Proposal No. 1, 1996 as per Councillor Boyd's offered amendment. A voice vote was taken. The President ruled in favor of the Nays. Councillor Boyd called for division. The motion failed on the following roll call vote; viz:

*14 YEAS: Black, Borst, Boyd, Brents, Coughenour, Gilmer, Golc, Gray, Hinkle, Jones, Moriarty Adams, Short, Talley, Williams*

*14 NAYS: Bradford, Coonrod, Curry, Dowden, Franklin, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford*

*1 ABSENT: Cockrum*

Councillor McClamroch moved, seconded by Councillor Moores, for adoption. Proposal No. 1, 1996, as amended, was adopted on the following roll call vote; viz:

*17 YEAS: Borst, Bradford, Coonrod, Curry, Dowden, Franklin, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford*

*11 NAYS: Black, Boyd, Brents, Coughenour, Gilmer, Golc, Gray, Hinkle, Jones, O'Dell, Williams*

*1 ABSENT: Cockrum*

Proposal No. 1, 1996 was retitled GENERAL ORDINANCE NO. 57, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 57, 1996

A GENERAL ORDINANCE amending the Rules of the City-County Council to establish a Regulatory Research and Review Committee and amending the Revised Code of the Consolidated City and County by adopting a new Article VIII, in Chapter 151, establishing certain procedures with respect to review of current and proposed ordinances and regulations.

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

SECTION I. Chapter of 151 of the Revised Code of the Consolidated City and County be, and is hereby, amended, specifically Sec. 151-25, by inserting the text underlined to read as follows:

Sec. 151-25. Standing committees enumerated.

The standing committees of the council shall be as follows:

- (1) The administration and finance committee;
- (2) The capital asset management committee;

- (3) The community affairs committee;
- (4) The economic development committee;
- (5) The metropolitan development committee;
- (6) The municipal corporations committee;
- (7) The parks and recreation committee;
- (8) The public safety and criminal justice committee;
- (9) The public works committee; and
- (10) The regulatory research and review committee.

SECTION 2. Chapter 151 of the Revised Code of the Consolidated City and County be, and is hereby, amended by adopting a new Article VIII, to read as follows:

ARTICLE VIII. REGULATORY REVIEW PROCEDURES

Sec. 151-111. Purpose.

The purpose of this article is to assure that those regulations of the Consolidated City and County that have a broad regulatory effect on the lives of citizens, business activities, and development:

- (1) do not impose costs (on regulated parties, on persons who pay taxes and fees for government services, and consumers of products and services of regulated parties) that exceed the benefits that are realized by the community,
- (2) achieve the regulatory goal in the least restrictive way,
- (3) do not duplicate existing standards found in either local, state, or federal codes and do not exceed existing federal or state standards unless there is a significant reason to do so,
- (4) are simply written, and
- (5) are practically enforceable.

To achieve these purposes, this article establishes procedures for making such proposed regulations subject to informed and open public discussion and debate that is led by elected councillors and involves representatives of affected interests, including the interests of neighborhoods, business, regulated parties, customers of regulated parties, taxpayers, and the applicable regulatory agency.

Sec. 151-112. Application.

This article does not apply to fiscal ordinances, rezoning ordinances, special ordinances, or general ordinances (i) that define rules of council, (ii) that govern the way local government is organized, (iii) that govern the compensation or terms of employment of employees of the City or County, or (iv) that govern parking, vehicle weight restrictions, traffic flow, and similar matters.

Sec. 151-113. Measuring the economic impact of regulations.

No regulation subject to this article may be considered for adoption by an agency or official and no proposal for an ordinance which is subject to this article may be introduced before the council until a regulatory impact statement containing the following information has been filed with the clerk of the council:

- (1) A statement of the specific problem being addressed by the proposed regulation.
- (2) A statement of the specific outcome that is desired, and the clear standards by which that outcome is measured.

- (3) A statement asserting that the proposal or regulation does, or does not, duplicate existing local, state or federal laws or regulations, and if so, why duplication is justified.
- (4) A statement setting forth the costs of increased stringency to affected groups including regulated parties, those who pay taxes and fees for government services, and consumers of products and services of regulated parties.
- (5) Identification of steps taken to achieve the desired outcome through market-based or other non-regulatory approaches and a discussion of why such is not possible or feasible
- (6) A statement demonstrating that reasonable efforts have been made to identify and contact individuals and organizations that will be impacted by adoption of the proposal or regulation.

Sec. 151-114. Notification of proposed regulations.

(a) Whenever any office or agency has drafted proposed regulations which by statute or ordinance are subject to review or approval by the Council, not later than the date of final publication of notice that the official or agency proposes to consider the adoption of such regulations, the official or agency shall file a copy of the proposal regulations and the regulatory impact statement required by Sec. 151-113 with the Clerk of the Council.

(b) The information required by this section, and any supplementary information, shall be available to all members to the council and to members of the public.

Sec. 151-115. Council review of regulations; time for review.

(a) Upon the adoption of any regulation subject to this article, the officer or agency adopting such regulation shall file with the clerk of the council (i) thirty-five copies of the regulation as adopted, (ii) thirty-five copies of the regulatory impact statement with any changes reflecting the regulation as adopted, and (iii) thirty-five copies of a summary of any comments made by individuals and organizations identified under paragraph (6) of Sec. 151-113 above.

(b) Notwithstanding what is stated elsewhere in the Code of Indianapolis and Marion County or the Revised Code of the Consolidated City and County, the time period for council review of regulations subject to this article shall be sixty (60) days from the date the proposed regulation is filed with the Clerk of the Council.

Sec. 151-116. Functions of the regulatory research and review committee.

The regulatory research and review committee shall:

- (1) review existing regulations that are subject to this article to determine if such regulations or ordinances comply with the purposes set forth in Section 151-111;
- (2) examine the Code of Indianapolis and Marion County and the Revised Code of the Consolidated City and County, formulate a schedule under which current regulations subject to this article are assigned an expiration date to allow orderly future review under this article, and recommend a proposed ordinance adopting such schedule; and
- (3) recommend an ordinance to establish uniform procedures for adopting regulations and establishing a permanent, centralized filing and codification method for all regulations subject to this article.
- (4) adopt a threshold standard and procedure for exempting from formal review proposals or regulations subject to this article that: (i) make only technical or minor amendments to current ordinance or regulatory provisions, (ii) would only adopt a required state or federal code standard, or (iii) would have an insignificant economic impact;

Sec. 151-117. Expiration of proposed ordinances.

(a) Proposals subject to this article that either:

- (1) create a new chapter in the Revised Code of the Consolidated City and County, or

- (2) substantially modify a chapter in the Code of Indianapolis and Marion County or the Revised Code of the Consolidated City and County

shall include a section providing for the expiration of the chapter on a specific date within five (5) years of the date of the adoption of the ordinance proposal by the Council.

(b) A proposal to re-adopt an ordinance, with or without amendment, that contains an expiration provision required by this section subjects that proposal to review under this article.

Sec. 151-118. Expiration of proposed regulations.

(a) Regulations subject to this article that either:

- (1) create a new regulation, or
- (2) substantially modify a regulation

shall include a section providing for the expiration of the regulation on a specific date within five (5) years of the date of the effective date of the regulation.

(b) Re-adoption of a regulation, with or without amendment, that contains an expiration provision required by this section subjects that regulation to review under this article.

Sec. 151-119. Review of current ordinances that expire.

A proposal to re-adopt an ordinance, with or without amendment, to which an expiration date has been assigned by council ordinance, subjects that proposal to review under this article.

Sec. 151-120.

This article shall expire two years from the date of its adoption.

PROPOSAL NO. 248, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 248, 1996 on April 9, 1996. The proposal approves an extension of the expiration dates of the cable franchises of American Cablevision and Comcast Cablevision until July 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 Dowden, for adoption. Proposal No. 248, 1996 was adopted on the following roll call vote; viz:

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

*2 NAYS: Black, Brents*

*2 NOT VOTING: Gray, O'Dell*

*1 ABSENT: Cockrum*

Proposal No. 248, 1996 was retitled SPECIAL RESOLUTION NO. 33, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 1996

A SPECIAL RESOLUTION approving an extension of the expiration dates of the cable franchises of American Cablevision of Indianapolis and Comcast Cablevision of Indianapolis, L.P., until July 1, 1996.

WHEREAS, the current cable franchise of Time-Warner Entertainment-Advance/Newhouse Partnership, d.b.a. American-Cablevision of Indianapolis (American) will expire on June 1, 1996; and

WHEREAS, the current cable franchise of Comcast Cablevision of Indianapolis, L.P. (Comcast) will expire on May 18, 1996; and

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

WHEREAS, the proposed extension will allow the parties time to conclude informal renewal negotiations and provide for review of the proposed renewal agreements by the City-County Council and the Cable Franchise Board or, if informal negotiations can not be concluded, to resume formal proceedings under Federal Law prior to expiration of the current cable franchises; 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 extensions of American's and Comcast's cable franchises until July 1, 1996, upon such terms as will protect the rights of both parties to the formal renewal proceedings as set forth in Federal Law.

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

PROPOSAL NO. 252, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 252, 1996 on April 22, 1996. The proposal approves the disbursement of a portion of the Community Development Block Grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 252, 1996 was adopted on the following roll call vote; viz:

*23 YEAS: Black, Borst, Boyd, Bradford, Coughenour, Curry, Franklin, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*5 NOT VOTING: Brents, Coonrod, Dowden, Gilmer, Gray*

*1 ABSENT: Cockrum*

Proposal No. 252, 1996 was retitled SPECIAL RESOLUTION NO. 34, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1996

A SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 30, 1991, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 86, 1995, 1996 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 of the Budget Ordinance, as approved by the Council, reads as follows:

SECTION 4.01. STATE, LOCAL AND FEDERAL GRANTS.

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulation in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purposes grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted its 1996 Community Development Block Grant Community Development Committee Recommendations, utilizing a portion of the Community Development Grant Funds, to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operations of each of the projects submitted by the Department of Metropolitan Development, should be approved; now, therefore:

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

SECTION 1. The 1996 Community Development Block Grant Community Development Committee Recommendations, utilizing Community Development Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01 of the Budget Ordinance.

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

EXHIBIT A  
1996 COMMUNITY DEVELOPMENT BLOCK GRANT  
COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS

1. Business Opportunities Systems (BOS) Repairs to owner occupied residences with preference to low/low income and elderly homeowners.	\$75,000
2. Central Indiana Council on Aging (CICOA) The Access Network Repairs to owner occupied residences with preference to elderly and disabled persons residing outside CDC service areas.	\$250,000
3. Community Action of Greater Indianapolis/Southeast Neighborhood Improvements Collaborative project addressing Barrington area repairs to owner occupied residences.	\$25,000
4. Community Action of Greater Indianapolis County-wide programs for emergency home repairs affecting health and safety; Substantial rehabilitation of properties for home ownership to low/low income.	\$300,000
5. Concord Community Development Corporation Acquisition rehabilitation and sale of vacant houses. Repairs to owner occupied residences.	\$115,000
6. Eastside Community Investments, Inc. Repairs to owner occupied residences with preference to very low/ income homeowners.	\$175,000
7. Firefighters Museum and Survive Alive, Inc. Addition of classrooms and other instructional areas to facility for educating public in fire survival techniques.	\$50,000
8. Forest Manor/Northeast Area Repairs to owner occupied residences with preference to very low/ income homeowners.	\$70,625
9. King Park Area Development Corporation Repairs to owner occupied residences with preference to very low/ income homeowners.	\$75,000
10. Mapleton Fall Creek Development Corporation Scattered site acquisition and rehabilitation of rental properties for very low income tenants.	\$140,000

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11. Martin Luther King Community Development Corporation \$91,400  
Funds a portion of acquisition, demolition, new construction of a project to complement other new construction in the area. Repairs to owner occupied residences with preference to low/ to moderate income homeowners.
12. Martindale Brightwood Community Development Corporation \$200,000  
Acquisition, rehabilitation and sale of structures to first-time homebuyers. Repairs to owner occupied residences with preference to low/ income homeowners
13. Near North Development Corporation \$90,000  
Acquisition of a deteriorated commercial structure for housing conversion.
14. Partners in Housing Development Corporation \$200,000  
Acquisition of a deteriorated, vacant, downtown structure for residential conversion for very low income persons. Includes space for employment programs.
15. Pathway to Recovery, Inc. \$20,470  
Conversion of an existing structure in Herron Morton Place, to transitional housing units.
16. Southeast Neighborhood Development (SEND) \$95,000  
Acquisition, rehabilitation and sale of structures to first-time homebuyers. Repairs necessary for health and safety to owner occupied residences with preference to elderly and disabled persons.
17. United Northwest Area Development Corporation \$170,000  
Repairs to owner occupied residences with preference to low/ to moderate income homeowners. Acquisition, rehabilitation and sale of structures to first-time homebuyers.
18. Westside Community Development Corporation \$200,000  
Repairs to owner occupied residences with preference to elderly and very low income homeowners. Scattered site acquisition and rehabilitation of rental properties for very low income tenants.
19. West Indianapolis Development Corporation \$200,000  
Conversion of abandoned school for elderly housing and social services programs. Repairs to owner occupied residences with preference to elderly, single female heads of households and very low income homeowners.

PROPOSAL NO. 255, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 255, 1996 on April 10, 1996. The proposal establishes the County Child Advocacy Fund as a nonreverting fund. 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 Schneider, for adoption. Proposal No. 255, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 255, 1996 was retitled GENERAL ORDINANCE NO. 58, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 58, 1996

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Article II of Chapter 135.

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

SECTION 1. Article II, Chapter 135 of the Revised Code of Indianapolis and Marion County is hereby amended by inserting the language underlined as follows:

ARTICLE II. NONREVERTING COUNTY FUNDS  
DIVISION 5. COUNTY CHILD ADVOCACY FUND

Sec. 135-311. County Child Advocacy Fund.

(a) There is hereby created a special, nonreverting fund for the purpose of assisting in developing interdisciplinary responses to child abuse and neglect situations, to be designated as the "County Child Advocacy Fund." The fund consists of amounts deposited under IC 33-19-7-1(d), and the county auditor shall administer the fund.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted, directly or indirectly, in any manner other than that set forth in subsection (c).

(c) Moneys in the County Child Advocacy Fund may be appropriated only at the discretion of the city-county council to address child abuse and neglect prevention or intervention.

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

PROPOSAL NO. 260, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 260, 1996 on April 10, 1996. The proposal is an appropriation of \$48,462 for the Marion County Public Defender Agency to pay for the consolidation of five contract positions into two full-time positions effective May 1, 1996 financed by transfers within the agency's County General Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor O'Dell, for adoption. Proposal No. 260, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 260, 1996 was retitled FISCAL ORDINANCE NO. 41, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Forty-eight Thousand Four Hundred Sixty-two Dollars (\$48,462) in the County General Fund for purposes of the Marion County Public Defender Agency and the County Auditor and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,u) of the City-County Annual Budget for 1996, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency and the County Auditor to consolidate five (5) contract positions to two (2) full time positions effective 5-1-96 for a savings of \$25,565.

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SECTION 2. The sum of Forty-eight Thousand Four Hundred Sixty-two Dollars (\$48,462) 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>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	36,347
 <u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>12,115</u>
TOTAL INCREASE	48,462

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

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>48,462</u>
TOTAL DECREASE	48,462

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

PROPOSAL NO. 263, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 263, 1996 on April 11, 1996. The proposal authorizes execution of Amendment No. 4 to the Interlocal Agreement between the City of Indianapolis and the City of Beech Grove for sewage treatment. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 263, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 263, 1996 was retitled GENERAL RESOLUTION NO. 5, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 1996

A GENERAL RESOLUTION ratifying and authorizing execution of an amendment to an existing Interlocal Agreement between the City of Indianapolis and the City of Beech Grove for treatment of Beech Grove sewage and wastewater by Indianapolis.

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

WHEREAS, the existing agreement has been amended three (3) other times; and

WHEREAS, due to changes in the circumstances surrounding the operation and maintenance of the City's wastewater treatment facilities, the monitoring of specific pollutant parameters to calculate the variable charge paid for services under the agreement is no longer required, and the monitoring of volume of wastewater only in calculating the variable charge paid for services under the agreement would impose no additional costs upon, and may even result in a costs savings, both the City and Beech Grove wish to amend the existing agreement to change the method of calculating the variable charge from the existing method to a volume-based method; and

WHEREAS, the existing agreement provides that the City shall not make any connection within Beech Grove's service area nor shall Beech Grove make any connections within the City's service area unless an amendment to the agreement is executed; and such provision has necessitated two (2) of the three (3) prior amendments to the existing agreement; and the procedure to amend the agreement is cumbersome; both the City and Beech Grove wish to amend the existing agreement to allow connections of properties located within one party's sewer service area to the sewers of the other party when public convenience and necessity makes such a cross-connection desirable; and

WHEREAS, the Board of Public Works of the City of Indianapolis, by Resolution No. 3176-1996, dated April 1, 1996, approved this amendment; and

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

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

SECTION 1. Amendment No. 4 to the Agreement Between the City of Indianapolis and the City of Beech Grove for Sewage Transportation and Treatment Services, in the form submitted herewith, is hereby ratified and approved, and the Clerk directed to attach a copy of such amendment to the official copy of this resolution, and insert a copy in the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is hereby authorized to execute said amendment on behalf of the City of Indianapolis, as authorized by Board of Public Works Resolution No. 3176-1996.

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 271-276, 1996 on April 17, 1996. He asked for consent to vote on Proposal Nos. 271-274 together. Consent was given.

PROPOSAL NO. 271, 1996. The proposal, sponsored by Councillor SerVaas, authorizes multi-way stops at Kimlough Avenue and 80th Street, and at Kimlough Avenue and Forest Boulevard (District 2). PROPOSAL NO. 272, 1996. The proposal, sponsored by Councillor Black, authorizes a multi-way stop at Crittenden Avenue and 51st Street (District 6). PROPOSAL NO. 273, 1996. The proposal, sponsored by Councillor Black, authorizes a multi-way stop at Norwaldo Avenue and 49th Street (District 6). PROPOSAL NO. 274, 1996. The proposal, sponsored by Councillor Hinkle, authorizes a multi-way stop at Eleanor Street and Jackson Street (District 18). 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. 271-274, 1996 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Franklin, Gilmer*

*1 ABSENT: Cockrum*

Proposal No. 271, 1996 was retitled GENERAL ORDINANCE NO. 59, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1996

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

April 29, 1996

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>
4	Forest Blvd S, Kimlough Av	Kimlough Av	Stop
4	Kimlough Av, 80th St	Kimlough 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>
4	Forest Blvd S, Kimlough Av	None	All Way Stop
4	Kimlough Av, 80th St	None	All Way Stop

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

Proposal No. 272, 1996 was retitled GENERAL ORDINANCE NO. 60, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 60, 1996

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>
18, Pg. 6	Crittenden Av 51st 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>
18, Pg. 6	Crittenden Av 51st 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. 273, 1996 was retitled GENERAL ORDINANCE NO. 61, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1996

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>
I8, Pg. 12	Norwaldo Av 49th St	49th 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>
I8, Pg. 12	Norwaldo Av 49th 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. 274, 1996 was retitled GENERAL ORDINANCE NO. 62, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 1996

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>
22	Eleanor St, Jackson St	Jackson 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>
22	Eleanor St, Jackson St	None	All Way Stop

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

April 29, 1996

PROPOSAL NO. 275, 1996. The proposal, sponsored by Councillor Smith, authorizes a speed limit of 25 mph on Candy Spots Drive from Riva Ridge Drive to Thompson Road (District 23). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Smith, for adoption. Proposal No. 275, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 275, 1996 was retitled GENERAL ORDINANCE NO. 63, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1996

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-136, Alteration of prima facie speed limit.

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

SECTION I. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limit, be, and the same is hereby, amended by the addition of the following, to wit:

25 MPH  
Candy Spots Drive  
from Riva Ridge Drive to Thompson Road

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

PROPOSAL NO. 276, 1996. The proposal, sponsored by Councillor Dowden, authorizes a weight limit restriction on Johnson Road from Fall Creek Road to 75th Street (District 4). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Dowden, for adoption. Proposal No. 276, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 276, 1996 was retitled GENERAL ORDINANCE NO. 64, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 1995

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

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

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

11,000 POUNDS GROSS  
Johnson Road, from  
Fall Creek Road to Seventy-fifth Street

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

### ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillor Franklin in memory of Louise Moore.

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 Louise Moore. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 12:25 a.m.

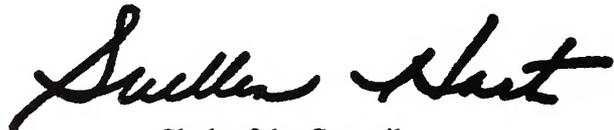
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 29th and 30th days of April, 1996.

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)