

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

**REGULAR MEETINGS
MONDAY, MAY 20, 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 7:08 on Monday, May 20, 1996, with Councillor SerVaas presiding.

Councillor Boyd 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford recognized Washington Township Small Claims Court Judge Linda Huppert; recently-elected Washington Township Assessor Barry Wood; Washington Township Board President Ralph Jones; and former Councillor Steve West. Councillor Cockrum acknowledged the presence of another former Councillor David Jones. Councillor Franklin recognized the Mayor of the City of Lawrence Tom Schneider, Deputy Mayor Mike Lawson, and everyone from the City of Lawrence who was present. Councillor Coughenour introduced former Councillor Ray Irwin. Councillor Moores recognized her sister, State Representative Candi Morris from House District 94.

Councillor O'Dell introduced Lyn St. James, an Indianapolis 500 race driver, and Margot Eccles, Indianapolis Park Foundation Board member. Ms. Eccles introduced Wilber Shaw Jr.; Alan Demos, a Navy SeaBees representative and a Department of Parks and Recreation employee; Mel Grossman, Vice President Wabash Valley Broadcasting and Soap Box Derby Board member; Mike Smith, NBD Bank and Soap Box Derby Board member; Mark Bowell, Executive Director of the Indianapolis Park Foundation Board; and Ford Wilson, Director of the Soap Box Derby and President of the Soap Box Derby Foundation. Mr. Smith informed the Council of the renovation work in process on the Indianapolis Soap Box Derby Hill and the status of their fund raiser.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Councillor Hinkle asked for consent to amend the agenda and hear Proposal No. 327, 1996 immediately following the Presentation of Special Resolutions. Consent was given. Without objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 29, 1996. There being no additions or corrections, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 20, 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 30, 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 COMMERCIAL on Thursday, May 2, 1996, a copy of a PUBLIC NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos.166, 247, 249, 256, 257, 262, 269, 309, 310, 312, 316, 317, 319, 320, and 322, 1996, said hearing to be held on Monday, May 20, 1996, at 7:00 p.m., in the City-County Building.

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

May 20, 1996

May 9, 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 COMMERCIAL on Friday, May 10, 1996, a copy of a PUBLIC NOTICE TO TAXPAYERS of a Public Hearing on Proposal No.361, 1996, said hearing to be held on Monday, May 20, 1996, at 7:00 p.m., in the City-County Building.

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

May 2, 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:

GENERAL ORDINANCE NO. 57, 1996: establishes the Regulatory Research and Review Committee of the City-County Council and adopts procedures requiring reviews of certain ordinance proposals and regulations

GENERAL ORDINANCE NO. 58, 1996: establishes the County Child Advocacy Fund as a nonreverting fund

GENERAL ORDINANCE NO. 59, 1996: authorizes multi-way stops at Kimlough Avenue and 80th Street, and at Kimlough Avenue and Forest Boulevard (District 2)

GENERAL ORDINANCE NO. 60, 1996: authorizes a multi-way stop at Crittenden Avenue and 51st Street (District 6)

GENERAL ORDINANCE NO. 61, 1996: authorizes a multi-way stop at Norwaldo Avenue and 49th Street

GENERAL ORDINANCE NO. 62, 1996: authorizes a multi-way stop at Eleanor Street and Jackson Street (District 18)

GENERAL ORDINANCE NO. 63, 1996: authorizes a speed limit of 25 mph on Candy Spots Drive from Riva Ridge Drive to Thompson Road (District 23)

GENERAL ORDINANCE NO. 64, 1996: authorizes a weight limit restriction on Johnson Road from Fall Creek Road to 75th Street (District 4)

FISCAL ORDINANCE NO. 30, 1996: an appropriation of \$4,480,000 for the Department of Parks and Recreation to make capital improvements financed by grants from Lilly Endowment

FISCAL ORDINANCE NO. 31, 1996: 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

FISCAL ORDINANCE NO. 32, 1996: 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

FISCAL ORDINANCE NO. 33, 1996: 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

FISCAL ORDINANCE NO. 34, 1996: 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

FISCAL ORDINANCE NO. 35, 1996: 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

FISCAL ORDINANCE NO. 36, 1996: 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

FISCAL ORDINANCE NO. 37, 1996: 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

FISCAL ORDINANCE NO. 38, 1996: 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

FISCAL ORDINANCE NO. 39, 1996: 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

FISCAL ORDINANCE NO. 40, 1996: an appropriation of \$260,000 for the Department of Parks and Recreation to make capital improvements financed from the Consolidated County Cumulative Capital Development Fund balance

FISCAL ORDINANCE NO. 41, 1996: 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

SPECIAL ORDINANCE NO. 5, 1996: 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)

SPECIAL ORDINANCE NO. 6, 1996: 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)

GENERAL RESOLUTION NO. 3, 1996: 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

GENERAL RESOLUTION NO. 4, 1996: 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

GENERAL RESOLUTION NO. 5, 1996: authorizes execution of Amendment No. 4 to the Interlocal Agreement between the City of Indianapolis and the City of Beech Grove for sewage treatment

SPECIAL RESOLUTION NO. 33, 1996: approves an extension of the expiration dates of the cable franchises of American Cablevision and Comcast Cablevision until July 1, 1996

SPECIAL RESOLUTION NO. 34, 1996: approves the disbursement of a portion of the Community Development Block Grant

SPECIAL RESOLUTION NO. 25, 1996: recognizes the math team of Park Tudor School

SPECIAL RESOLUTION NO. 26, 1996: recognizes the Ben Davis High School boys State Champion basketball team

SPECIAL RESOLUTION NO. 27, 1996: congratulates the Indianapolis Police Department, North District, for winning the "Webber Seavey Award"

SPECIAL RESOLUTION NO. 28, 1996: remembers the life of Councillor Harold E. Hawkins

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SPECIAL RESOLUTION NO. 29, 1996: recognizes Liam O'Riain, Director, 17th Golden Pages Dublin, Ireland, Marathon

SPECIAL RESOLUTION NO. 30, 1996: 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)

SPECIAL RESOLUTION NO. 31, 1996: 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)

SPECIAL RESOLUTION NO. 32, 1996: 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)

Respectfully,
s/Stephen Goldsmith, Mayor

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

PROPOSAL NO. 387, 1996. The proposal, introduced by Councillors Borst, Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, and Williams, expresses Council support of the Indianapolis Motor Speedway and the Hulman-George Family. Councillor Borst read the resolution and presented Mary and Tony George with a copy of the document and Council pins, and both expressed appreciation for the recognition. Councillor Shambaugh voiced his support also. Councillor Borst moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 387, 1996 was adopted by a unanimous voice vote.

Proposal No. 387, 1996 was retitled SPECIAL RESOLUTION NO. 35, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 35, 1996

A SPECIAL RESOLUTION expressing Council support of the Indianapolis Motor Speedway and the Hulman-George family.

WHEREAS, Indianapolis and Indiana are known throughout the world as the home of the Indianapolis Motor Speedway and it's annual Indianapolis 500; race, and

WHEREAS, additionally, associated with the race are exciting sports-related activities such as the Brickyard 400 race, the renovated Brickyard Crossing golf course, the 500 Festival parade and hundreds of local special events, parties, company and community goodwill opportunities and tremendous local enthusiasm and pride; and

WHEREAS, since the first Indianapolis 500 race in 1911 controversies have arisen from time to time, but the track and the community have mutually weathered wars, fuel shortages, feuding sanctioning bodies, turbine engines, weather, economic recessions and now another racing controversy; and

WHEREAS, through it all, the race and the community have only grown stronger; now, therefore:

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

SECTION I. The Indianapolis Motor Speedway and the Indianapolis community have been strong civic partners since the days before rear view mirrors and tubeless tires, and have stood side by side through good times and lean.

SECTION 2. The Council reaffirms its support for the IMS and the Hulman-George family in their effort to produce a plan for the future that secures the Indianapolis 500's rich heritage as the premier auto racing event in the world.

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. 388, 1996. The proposal, sponsored by Councillor Gray, recognizes Emmerich Manual Coach Raymond C. Schultz. Councillor Gray read the proposal and presented Mr. Schultz with a copy of the resolution and a Council pin. Mr. Schultz expressed his appreciation for the recognition. Councillor Gray moved, seconded by Councillor Jones, for adoption. Proposal No. 388, 1996 was adopted by a unanimous voice vote.

Proposal No. 388, 1996 was retitled SPECIAL RESOLUTION NO. 36, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 36, 1996

A SPECIAL RESOLUTION recognizing Emmerich Manual coach Raymond C. Schultz.

WHEREAS, this spring, Raymond C. Schultz is retiring after devoting his past 33 years as teacher, coach and athletic director at IPS's Emmerich Manual High School; and

WHEREAS, Coach Schultz was himself an All-American athlete student at Manual, then went on to become a letterman at Purdue University; and

WHEREAS, Coach Schultz has an outstanding chronicle of accomplishments at Manual including 16 All-State, 23 All-City and one All-American student-athletes, the Manual athletic field is named in his honor, he was instrumental in raising the funds to equip the school's weight room, and he organized the Manual Redskin Football Family--the most complete program for student athletes in the Indianapolis Public Schools; and

WHEREAS, he has been President of the Indianapolis-Marion County Athletic Director's Association, Executive Director of the Manual Athletic Booster Club, a frequent speaker for the Fellowship of Christian Athletes, has authored articles, handbooks and a film, and is a National Football League scout; 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 thanks retiring Emmerich Manual High School coach Raymond C. Schultz for his many years of dedicated public education service.

SECTION 2. The values of hard work, sportsmanship, honesty and decency will live on for many decades to come in the minds of the thousands of young people who learned from Coach Schultz during the past three decades.

SECTION 3. The Council wishes him well during his retirement years.

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. 389, 1996. The proposal, introduced by Councillor Golc, recognizes Colts strength and conditioning coach Tom Zupanic. Councillor Golc read the proposal and presented a copy of the document and a Council pin to Mr. Zupanic, who expressed his

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appreciation for the recognition. Councillor Golc moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 389, 1996 was adopted by a unanimous voice vote.

Proposal No. 389, 1996 was retitled SPECIAL RESOLUTION NO. 37, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 1996

A SPECIAL RESOLUTION recognizing Colts strength and conditioning coach Tom Zupancic.

WHEREAS, Tom Zupancic has been the strength and conditioning coach for the Indianapolis Colts since the NFL team moved to this city, and for good reason--he's the best in the National Football League according to an award given last year by his peers; and

WHEREAS, a Cathedral High School product, Mr. Zupancic then went on to Indiana Central University where he was a three-time collegiate wrestling champion, a four-year grid letterman and the most physically powerful weight lifter in the history of U of I athletics; and

WHEREAS, Zupancic has been a part of four USA National Wrestling Teams, was an alternate on the 1980 and 1984 USA Greco-Roman Olympic wrestling teams, ranks 14th in the world among all-time super heavyweights, has done a 600-pound bench press and has won 86 state, regional and national powerlifting exhibitions; and

WHEREAS, beyond his work with Colts athletes, he operates a gymnasium and generously donates his time for motivational talks on goal setting and positive thinking in schools, and helps the Special Olympics and other groups raise funds; and

WHEREAS, the University of Indianapolis recognized him recently with the establishment of the Zupancic Wall of Champions for outstanding student athletes; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the Indianapolis Colts NFL football team strength and conditioning coach Tom Zupancic.

SECTION 2. He serves as an inspiration and as a positive role model for many others, especially young athletes, for physical strength and mental character.

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. 390, 1996. The proposal, sponsored by Councillors McClamroch, Hinkle, Bradford, Dowden, and Schneider, recognizes the public service of Richard L. Cunningham. Councillor McClamroch commented that Mr. Cunningham served successfully and with distinction and was a very good public servant. Councillor McClamroch read the proposal and presented Mr. Cunningham with a copy of the resolution and a Council pin. Mr. Cunningham expressed his appreciation for the recognition. Mr. Cunningham's family was also present. Councillor McClamroch moved, seconded by Councillor Hinkle, for adoption. Proposal No. 390, 1996 was adopted by a unanimous voice vote.

Proposal No. 390, 1996 was retitled SPECIAL RESOLUTION NO. 38, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 1996

A SPECIAL RESOLUTION recognizing the public service of Richard L. Cunningham.

WHEREAS, Richard L. Cunningham is a graduate of the Indianapolis Public Schools, Purdue University and several specialized banking and real estate courses; and

WHEREAS, he served in the U.S. Army during the Korean War, was Director of the Indiana Aeronautics Commission under three Governors, was a banker, the president of two aviation companies, was Personnel Director of the City of Indianapolis and served this county and citizens of Washington Township well as Washington Township Assessor from 1974 to 1996; and

WHEREAS, as Washington Township Assessor, Mr. Cunningham set high standards for himself and his staff, emphasized fair and equal treatment of all taxpayers, never once exceeded his annual office budget and steadily improved upon each succeeding property reassessment; and

WHEREAS, Mr. Cunningham has a strong commitment to his family and Church, to the principals of honest and progressive government, to the Republican Party and has been a good and valued friend of the Council for over two decades; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the many years of dedicated and exemplary public service rendered by Washington Township Assessor Richard L. Cunningham.

SECTION 2. Indianapolis, Marion County and the townships have been made great by the many conscientious, dedicated and skilled men and women such as Dick Cunningham.

SECTION 3. The Council wishes Mr. Cunningham the best of good health and happiness in his retirement years.

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.

SPECIAL ORDERS - FINAL ADOPTION

The President stated that a public hearing was not scheduled for Proposal No. 327, 1996, but because of the large number of partisans on both sides of this question, he has set aside ten minutes for viewpoints to be offered through spokesmen for each group.

PROPOSAL NO. 327, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 327, 1996 on May 14, 1996. The proposal, sponsored by Councillor Hinkle, 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. Councillor Curry stated that in 1988 a state referendum provided for wagering on horse races. To proceed with another referendum now with an off-track betting parlor already in place in Marion County, might essentially set up a monopoly relationship for the present off-track betting group. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Curry moved that the Committee report to strike be upheld.

The following persons spoke in favor of a referendum and against striking Proposal No. 327, 1996: Pam Sheads, Ron Brown, Pastor Donald Mitchell, and Frank Hoffman.

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The following persons spoke against a referendum and in favor of striking Proposal No. 327, 1996: Lawrence Mayor Tom Schneider, Tommy O'Donnell, and Bob Ditmer.

Councillor Short read the following statement:

As you know, since its original passage in Indiana I've been involved in various aspects of the pari-mutuel, horse racing, and gaming industry. While I do not currently represent any clients with pari-mutuel or horse racing interests, I feel based on my past involvement that if I were to inject myself into debate at this time, it would certainly create an appearance of conflict of interest. As we are all aware in the public political process, that we will solidly swear to preserve republic trust which has been given to us. It is for this reason, Mr. Chairman, that I would like to go on record as "Abstaining" from the debate and the vote on Proposal No. 327, 1996.

Councillor Hinkle stated that this proposal will allow residents to vote at the ballot box on whether they want to allow more pari-mutuel horse-racing facilities into Marion County. He urged the Councillors to vote "no" on the motion to strike and to allow the referendum to proceed.

Councillors Dowden, Talley, Moores, Smith, Boyd, Black, Borst, Gilmer, Franklin, and Coonrod all voiced their support of the Committee's recommendation to strike.

Councillors Schneider and Coughenour both spoke against the motion to strike.

The President asked the Council to vote on the motion to strike Proposal No. 327, 1996. Proposal No. 327, 1996 was stricken on the following roll call vote; viz:

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

[Clerk's Note: The Council took a fifteen-minute recess. Councillor Williams left during this recess because of illness.]

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 362, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Comprehensive Zoning Maps of Marion County by updating base maps #7D, #14C, and #50C (96-AO-2)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 363, 1996. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$94,500 for the Cooperative Extension Service to pay for two high-speed copy machines financed from the County General Fund balances"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 364, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$11,385 to provide a diverse selection of holistic and creative activities for children of abused mothers and respite

care services for their mothers by the Julian Center through the Marion County Justice Agency financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 365, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which codifies the payment to surviving children of deceased members of the 1937 Firefighters Pension Fund a benefit equal to 20% of the salary of a fully paid first class firefighter"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 366, 1996. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease space at 151 South East Street for customer service for the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 367, 1996. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which allows employees affected by the privatization of the City's sewer maintenance work to convert accrued sick time to benefit leave prior to their separation from City employment"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 368, 1996. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sections 23-50 and 23-53 concerning the code of ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 369, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access cable television programming in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 370, 1996. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code concerning activities in the right-of-way"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 371, 1996. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at County Line Road and Emerson Avenue (Districts 23, 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 372, 1996. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal on Illinois Street at the driveway entrance to the visitors parking lot at the Children's Museum (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 373, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Washington

Street at the entrance to the new White River State Park (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 374, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Allison Heights, Section 1, Subdivision (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 375, 1996. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Warren Addition Building Trades, Section 2 (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 376, 1996. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for New Augusta Woods Subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 377, 1996. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Liberty Village Subdivision, Section 1 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 378, 1996. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Eagles Watch Subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 379, 1996. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Irvington Avenue and 11th Street and at Irvington Avenue and Wayne Drive (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 380, 1996. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 14th Street and Shortridge Road (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 381, 1996. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Fletcher Avenue and Spruce Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 382, 1996. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on a segment of 46th Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 383, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a loading zone for the Indiana State Board of Health located at 20 North Meridian Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 384, 1996. Withdrawn.

PROPOSAL NO. 385, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a loading zone for the Indiana War Memorial located on Vermont Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 386, 1996. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight restriction for Concord Street from Banta Road to Epler Avenue (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 414, 1996. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Stuart Rhodes to the Cable Franchise Board"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst reported that the Economic Development Committee met on May 16, 1996 and heard Proposal Nos. 305, 391, 392, 393, and 394, 1996.

PROPOSAL NO. 305, 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 a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Black, for adoption. Proposal No. 305, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: Williams

Proposal No. 305, 1996 was retitled SPECIAL RESOLUTION NO. 39, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 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 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company;

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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 Summit House Project consist of the acquisition, renovation and equipping of the existing one hundred sixty-two (162) unit multi-family residential facility located at 38th and Meridian Streets, Indianapolis, Indiana on approximately 3.5 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project");

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Six Million Nine Hundred Fifty Thousand Dollars (\$6,950,000) 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. 391, 1996. The proposal authorizes the issuance of economic development revenue bonds in an amount not to exceed \$5,000,000 for the construction, acquisition and equipping of certain commercial printing facilities located at 1203 East St. Clair (District 22) (White Arts, Inc. Project). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 391, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 391, 1996 was retitled SPECIAL ORDINANCE NO. 7, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1996

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its \$5,000,000 City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1996 (White Arts, Inc. 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 White Arts, Inc. (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 acquire, construct and equip approximately a 3,000 square foot expansion to its existing plant located at 1203 East St. Clair and to acquire certain printing equipment for use in the Company's commercial printing business (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 Project by issuing its \$5,000,000 City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1996 (White Arts, Inc. Project) (the "Bonds"); and

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WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on May 15, 1996 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended, advised the Issuer of the results of such hearing and 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 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 The Fifth Third Bank of Central Indiana, 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 Bond Placement Agreement between the Company and Seanson and Mayer (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 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 Five Million Dollars (\$5,000,000) 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. 392, 1996. The proposal amends S.R. No. 34, 1996, as amended, by extending the expiration date through December 31, 1996 at 4803 Round Lake Road (District 4) (Willowbrook Park, L.P.). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Dowden, for adoption. Proposal No. 392, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: Williams

Proposal No. 392, 1996 was retitled SPECIAL RESOLUTION NO. 40, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 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

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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. 87, 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 Willowbrook Park, L.P. (the "Company") which Inducement Resolution set an expiration date of May 31, 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 May 31, 1996, contained therein and replacing said date with the date of November 30, 1996.

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

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

PROPOSAL NO. 393, 1996. The proposal is an inducement resolution for Indiana Veneers Corp. in an amount not to exceed \$1,000,000 to proceed with the acquisition of machinery, equipment and/or other fixtures, and the expansion of the existing building located at 1121 East 24th Street (District 10). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption. Proposal No. 393, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Boyd, Coughenour, Franklin*

1 ABSENT: *Williams*

Proposal No. 393, 1996 was retitled SPECIAL RESOLUTION NO. 42, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 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 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company;

WHEREAS, Indiana Veneers Corp., an Indiana corporation (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds

of an economic development financing to the Applicant for the same, said economic development facilities consist of certain foundation work and structural reconfiguration to its existing building and the acquisition of certain machinery and equipment to be used in the Applicant's existing manufacturing business located at 1121 East 24th Street, Indianapolis, Indiana (the "Project");

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (sixteen (16) jobs) and the creation of business opportunities to be achieved by the acquisition and installation 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 and installation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; NOW, THEREFORE:

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed One Million Dollars (\$1,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition and installation 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 construction, acquisition and installation 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 and installation 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 November 30, 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 and installation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance

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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. 394, 1996. The proposal authorizes the execution of an Assignment and Assumption Agreement in connection with the restructuring and refinancing of the Canal Square Project located at the intersection of New York Street and West Street (District 16). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Brents, for adoption. Proposal No. 394, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: Williams

Proposal No. 394, 1996 was retitled SPECIAL ORDINANCE NO. 9, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1996

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

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

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

WHEREAS, the Act provides that an issuer may pursuant to the Act issue revenue bonds and lend the proceeds thereof to a corporation for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") has previously issued its \$12,300,000 Multi-Family Housing Refunding Revenue Bonds, Series 1989 (Canal Square Project) (the "Bonds") pursuant to that certain Trust Indenture, as amended, dated as of January 1, 1989 from the Issuer to Bank One Indianapolis, N.A. (the "Trustee"),

WHEREAS, the Issuer issued the Bonds to refinance certain indebtedness incurred in connection with the financing of a multi-family housing project within the City of Indianapolis, Indiana, commonly known as Canal Square Apartments (the "Project"), including necessary expenses incidental to the issuance of the Bonds;

WHEREAS, Canal Square Limited Partnership, an Indiana limited partnership (the "Assignor") desires to assign all of its right, title and interest in and to that certain Loan Agreement, as amended (the "Loan Agreement"), dated as of January 1, 1989, by and between the Issuer and the Assignor, the Trust Indenture, as amended, dated as of January 1, 1989 securing the Bonds (the "Indenture"), the Promissory Note of the Assignor in the principal amount of \$12,300,000 dated as of February 1, 1989 (the "Note"), the Regulatory Agreement, as amended, dated as of January 1, 1989 relating to the Project (the "Regulatory Agreement") and the Remarketing Agreement dated as of January 1, 1989 among the Issuer, the Assignor, the Trustee and a remarketing agent (the "Remarketing Agent") to OTR, an Ohio general partnership (the "Assignee") and Assignee has agreed to assume all of the Assignor's obligations under the Loan Agreement, the Indenture, the Note, the Regulatory Agreement and the Remarketing Agreement, and other related documents;

WHEREAS, the Indianapolis Economic Development Commission on May 15, 1996 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the Assignment and Assumption Agreement (the "Assignment and Assumption Agreement") in the form presented at that meeting complies with the purposes and provisions of the Act and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the Assignment and Assumption Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the execution of the Assignment and Assumption Agreement will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the Assignment and Assumption Agreement approved by the Indianapolis Economic Development Commission is hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the Assignment and Assumption Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the Assignment and Assumption Agreement approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the Assignment and Assumption Agreement approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 4. The provisions of this ordinance, the Assignment and Assumption Agreement shall constitute a contract binding between the City of Indianapolis and the parties to the Assignment and Assumption Agreement and after the execution of the Assignment and Assumption Agreement, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Assignment and Assumption Agreement shall remain in effect.

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

PROPOSAL NOS. 395-400, 1996. Introduced by Councillor Hinkle. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on May 16, 1996." The Council did not schedule Proposal Nos. 395-400, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 395-400, 1996 were retitled REZONING ORDINANCE NOS. 107-112, 1996 and are identified as follows:

REZONING ORDINANCE NO. 107, 1996. 96-Z-41
7141 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18.
AMERICAN STORE PROPERTIES, INC., by Michael D. Keele, requests a rezoning of 0.2 acre, being in the D-5 District, to the C-3 classification to provide for commercial development including the construction of a retail drug/pharmacy store.

REZONING ORDINANCE NO. 108, 1996. 96-Z-54
3225 WEST 75TH STREET (approximate address), INDIANAPOLIS.
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2.
421 REALTY COMPANY, INC. requests a rezoning of 1.16 acre, being in the C-4 District, to the D-3 classification to provide for the placement of a residential structure on the lot.

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REZONING ORDINANCE NO. 109, 1996. 96-Z-65
3630 GUION ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 9.
INDIANAPOLIS OSTEOPATHIC HOSPITAL, INC., by James L. Tuohy, requests a rezoning of 40 acres, being in the SU-6(F)(FW), D-3(F)(FW) and C-1(F)(FW) Districts, to the HD-1(F)(FW) classification to provide for an existing hospital use and future hospital related development.

REZONING ORDINANCE NO. 110, 1996. 96-Z-67
6250 CHURCHMAN AVENUE (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
K.L. PRESNELL RESIDENTIAL DEVELOPMENT, INC., requests a rezoning of 6.18 acres, being in the D-A District, to the D-4 classification to provide for the construction of a single-family residential development.

REZONING ORDINANCE NO. 111, 1996. 96-Z-69
6101 GRANDVIEW DRIVE (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2
INDIANAPOLIS PARKS & RECREATION requests a rezoning of 43 acres, being in the D-2 and PK-1 Districts, to the PK-I classification to provide for a park and recreation use and to correct a mapping error.

REZONING ORDINANCE NO. 112, 1996. 96-CP-8Z
933-967 MILEY AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.
DIALYSIS CLINIC, INC., by Cameron F. Clark, requests a rezoning of 1.288 acres, being in the D-5(RC), I-2-U(RC), and I-4-U(RC) Districts, to the C-I(RC) classification to provide for office uses including the construction of a medical office building for a dialysis clinic.

PROPOSAL NOS. 401-412, 1996. Introduced by Councillor Hinkle. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on May 16, 1996." The Council did not schedule Proposal Nos. 401-412, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 401-412, 1996 were retitled REZONING ORDINANCE NOS. 113-124, 1996 and are identified as follows:

REZONING ORDINANCE NO. 113, 1996. 96-CP-14Z
1075 SOUTH TIBBS AVENUE (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17
CHRYSLER CORPORATION, by Richard S. VanRheenen, requests a rezoning of 6.746 acres, being in the SU-13 District, to the I-4-U classification to provide for employee parking for an adjacent industrial facility.

REZONING ORDINANCE NO. 114, 1996. 96-Z-18 (96-DP-2)
4650 SENOUR ROAD (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.
TIMBERWOOD, by Thomas Michael Quinn, requests a rezoning of 423.0 acres, being in the D-A(F)(FW) District, to the D-P(F)(FW) classification to provide for construction of 488 lots for single-family residential development with a golf course, an office or daycare facility and neighborhood commercial development.

REZONING ORDINANCE NO. 115, 1996. 96-Z-66 (96-DP-6)
222 SOUTH DOWNEY AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.
CHRISTIAN CHURCH SERVICES, INC., by James W. Beatty, requests a rezoning of 4.9587 acres, being in the D-5 District, to the D-P classification to provide for planned unit development consisting of 80-units for elderly housing within an existing building.

REZONING ORDINANCE NO. 116, 1996. 96-Z-19 (Amended)
9310 and 9330 CORPORATION DRIVE (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 3.

R.P. WURSTER, L.P., by Brian J. Tuohy, requests a rezoning of 3.99 acres, being in the I-3-S District, to the C-S classification to provide for industrial and commercial uses including I-3-S permitted uses, limited C-7 permitted uses and limited C-ID permitted uses.

REZONING ORDINANCE NO. 117, 1996. 96-Z-51
4934, 4970 ROWNEY STREET and 1505 RILEY AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 23.
DELIVERANCE TEMPLE requests a rezoning of 0.562 acre, being in the D-3 District, to the SU-1 classification to legally establish a church use and parking lot.

REZONING ORDINANCE NO. 118, 1996. 96-Z-73
42 WEST SOUTH STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.78 acre, being in the C-4(RC) District, to the CBD-2(RC) classification to provide for the hardsurfacing of a parking area and to conform zoning to the 1991 Regional Center Plan.

REZONING ORDINANCE NO. 119, 1996. 96-Z-75
1002-1012 WEST HANNA AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
J. LEE & ROSE M. MCNEELEY, WILLIAM E. & DONNA MCINTYRE, by Mitch Sever, request a rezoning of 28.38 acres, being in the D-3(FF) District, to the I-2-S(FF) classification to provide for industrial uses.

REZONING ORDINANCE NO. 120, 1996. 96-Z-77
1813-1829 ROOSEVELT AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
EQUITY FUND VIII, L.P., by James B. Burroughs, requests a rezoning of 0.81 acre, being in the D-5 District, to the D-8 classification to provide for the construction of a multi-family residential development.

REZONING ORDINANCE NO. 121, 1996. 96-Z-80
3502-3534 DR. MARTIN LUTHER KING STREET and 948-950 WEST 35TH STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9
METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 1 acre, being in the C-3 District, to the D-5 classification to conform zoning to the residential use in accordance with the 1982 United Northwest area plan.

REZONING ORDINANCE NO. 122, 1996. 96-CP-10Z, 96-DP-5
1201-1325 EAST MICHIGAN STREET; 441-455 NORTH HIGHLAND AVENUE; and
440-460 BELL AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.
EQUITY FUND VIII, L.P., by James B. Burroughs, requests a rezoning of 2.02 acres, being in the C-2 District, to the D-P classification to provide for a multi-family and single-family planned unit development including 14 townhomes and 8 single-family residences.

REZONING ORDINANCE NO. 123, 96-CP-11Z (a) (formerly 96-Z-43(a))
3850 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5 and 14.
DAVIS DEVELOPMENT, L.P., by Thomas Michael Quinn, requests a rezoning of 60.492 acres, being in the D-7(FF) and C-3(FF) Districts, to the D-511(FF) classification to provide for the construction of a residential subdivision.

REZONING ORDINANCE NO. 124, 1996. 96-CP-11Z (b) (formerly 96-Z-43(c))
3848 NORTH GERMAN CHURCH ROAD (rear) (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5 & 14.
DAVIS DEVELOPMENT, L.P., by Thomas Michael Quinn, requests a rezoning of 0.058 acre, being in the D-7(FF) District, to the C-3(FF) classification to provide for neighborhood commercial development.

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Councillor Coughenour asked for consent to suspend the rules and hear Proposal No. 367, 1996 at this meeting. She said that the Public Works Committee discussed the proposal at its May 8th meeting. The President ruled that Proposal No. 367, 1996 would be heard under Special Orders, Final Adoption.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 166, 1996. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 166, 1996 on March 28, 1996. On April 8, 1996, the Council adopted the proposal. Proposal No. 166 is being heard again because the notice of public hearing for this proposal was not published until May 2, 1996. The proposal is 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. By a 6-0 vote on March 28, 1996, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:56 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Tilford, for adoption. Proposal No. 166, 1996, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Black

1 ABSENT: Williams

Proposal No. 166, 1996, as amended, was retitled FISCAL ORDINANCE NO. 24, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Six Million Eight Hundred Thousand Dollars (\$6,800,000) in the Sanitation General Fund, an additional Four Million Five Hundred Dollars (\$4,500,000) in the Transportation General Fund an additional One Million Dollars (1,000,000) in the City Cumulative Capital Development Fund, an additional Seven Hundred Thousand Dollars (\$700,000) in the Parking Meter Fund, and an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Solid Waste Disposal Fund, and an additional Six Hundred Fifty Thousand Dollars (\$650,000) in the Flood General Fund for purposes of the Department of Capital Asset Management, Asset Management Division and reducing the unappropriated and unencumbered balances in the Sanitation General, Transportation General, and Flood Control General Funds.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (m) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to expand the 1996 Capital Improvement Budget

SECTION 2. The sum of Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000) 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.

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SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>ASSET MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	500,000
4. Capital Outlays	<u>6,300,000</u>
TOTAL INCREASE	6,800,000
<u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	200,000
4. Capital Outlays	<u>4,300,000</u>
TOTAL INCREASE	4,500,000
<u>ASSET MANAGEMENT DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
3. Other Services and Charges	100,000
4. Capital Outlays	<u>900,000</u>
TOTAL INCREASE	1,000,000
<u>ASSET MANAGEMENT DIVISION</u>	<u>PARKING METER FUND</u>
4. Capital Outlays	<u>700,000</u>
TOTAL INCREASE	700,000
<u>ASSET MANAGEMENT DIVISION</u>	<u>SOLID WASTE DISPOSAL FUND</u>
4. Capital Outlays	<u>250,000</u>
TOTAL INCREASE	250,000
<u>ASSET MANAGEMENT DIVISION</u>	<u>FLOOD GENERAL FUND</u>
4. Other Services and Charges	<u>650,000</u>
TOTAL INCREASE	650,000

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

		<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered		
Sanitation General Fund		6,800,000
TOTAL REDUCTION		6,800,000
		<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered		
Transportation General Fund		4,500,000
TOTAL REDUCTION		4,500,000
		<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered		
City Cumulative Capital Development Fund		1,000,000
TOTAL REDUCTION		1,000,000
		<u>PARKING METER FUND</u>
Unappropriated and Unencumbered		
Parking Meter Fund		700,000
TOTAL REDUCTION		700,000
		<u>SOLID WASTE DISPOSAL FUND</u>
Unappropriated and Unencumbered		
Solid Waste Disposal Fund		250,000
TOTAL REDUCTION		250,000
		<u>FLOOD GENERAL FUND</u>
Unappropriated and Unencumbered		
Flood General Fund		650,000
TOTAL REDUCTION		650,000

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

PROPOSAL NO. 210, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 210, 1996 on May 1, 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. By a 7-0 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 9:57 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 210, 1996, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: *Williams*

Proposal No. 210, 1996, as amended, was retitled FISCAL ORDINANCE NO. 42, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional One Million Forty-two Thousand Two Hundred Forty Dollars (\$1,042,240) in the Deferral Fee Fund for purposes of the Prosecuting Attorney, County Auditor, County Sheriff, and Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Deferral Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v,b,y,cc) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Prosecuting Attorney, County Auditor, County Sheriff, and Marion County Superior Courts for the distribution of deferral fees.

SECTION 2. The sum of One Million Forty-two Thousand Two Hundred Forty Dollars (\$1,042,240) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>DEFERRAL FEE FUND</u>
1. Personal Services	161,133
3. Other Services and Charges	139,225
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	40,283
3. Other Services and Charges	195,553
<u>COUNTY SHERIFF</u>	
2. Supplies	44,911
3. Other Services and Charges	80,000
4. Capital Outlay	4,000

MARION COUNTY SUPERIOR COURT

3. Other Services and Charges	358,981
4. Capital Outlay	<u>18,154</u>
TOTAL INCREASE	1,042,240

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

	<u>DEFERRAL FEE FUND</u>
Unappropriated and Unencumbered	
Deferral Fee Fund	<u>1,042,240</u>
TOTAL REDUCTION	1,042,240

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

PROPOSAL NO. 247, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 247, 1996 on May 14, 1996. The proposal is an appropriation of \$20,505 for the Lawrence Township Assessor to pay for buy-outs of employees who have resigned and/or retired from the Lawrence Township Assessor's office in 1996 financed from the County General Fund balances. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:59 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Talley, for adoption. Proposal No. 247, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 247, 1996 was retitled FISCAL ORDINANCE NO. 43, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Twenty Thousand Five Hundred Five Dollars (\$20,505) in the County General Fund for purposes of the Lawrence Township Assessor and the County Auditor 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 1.02(b,o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes the Lawrence Township Assessor and the County Auditor for paying the cost of buy-outs of employees who have resigned and/or retired from the Lawrence Township Assessor's Office in 1996.

SECTION 2. The sum of Twenty Thousand Five Hundred Five Dollars (\$20,505) 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>LAWRENCE TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	17,885

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COUNTY AUDITOR

1. Personal Services - fringes	<u>2,620</u>
TOTAL INCREASE	20,505

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

COUNTY GENERAL FUND

Unappropriated and Unencumbered	
County General Fund	<u>20,505</u>
TOTAL REDUCTION	20,505

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

PROPOSAL NO. 249, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 249, 1996 on May 13, 1996. The proposal is an appropriation of \$133,689 for the Department of Metropolitan Development, Planning Division, to pay for transportation planning financed by revenues from the US Department of Transportation and a local match from the Transportation General Fund. 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 10:02 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No. 249, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: *Williams*

Proposal No. 249, 1996 was retitled FISCAL ORDINANCE NO. 44, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional One Hundred Six Thousand Nine Hundred Fifty-one Dollars (\$106,951) in the Federal Grants Fund and Twenty-six Thousand Seven Hundred Thirty-eight Dollars (\$26,738) in the Transportation General Fund for purposes of the Department of Metropolitan Development, Division of Planning and reducing the unappropriated and unencumbered balance in the Transportation General and Federal Grants Funds.

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 Thirty-three Thousand Six Hundred Eighty-nine Dollars (\$133,689) 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 METROPOLITAN DEVELOPMENT

PLANNING DIVISION

3. Other Charges and Services
TOTAL INCREASE

FEDERAL GRANTS FUND

106,951
106,951

PLANNING DIVISION

3. Other Charges and Services
TOTAL INCREASE

TRANSPORTATION GENERAL FUND

26,738
26,738

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

FEDERAL GRANTS FUND

Unappropriated and Unencumbered
Federal Grants Fund
TOTAL REDUCTION

106,951
106,951

TRANSPORTATION GENERAL FUND

Unappropriated and Unencumbered
Transportation General Fund
TOTAL REDUCTION

26,738
26,738

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. 256, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 256, 1996 on April 10, 1996. The proposal is an appropriation of \$259,779 for the County Sheriff to pay for operational equipment, food, and supplies needed for the sub-basement and 5th floor of the East wing of the City-County Building financed by revenues from the County General Fund, Jail Reserve Account. 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 10:03 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 256, 1996 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Boyd, Brents, SerVaas

1 ABSENT: Williams

Proposal No. 256, 1996 was retitled FISCAL ORDINANCE NO. 45, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Two Hundred Fifty-nine Thousand Seven Hundred Seventy- nine Dollars (\$259,779) in the County General Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund Jail Reserve Account.

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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 1.02(y) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of operational equipment, food and supplies needed for the Sub-basement and 5th floor of the East wing of the City-County Building to be funded from the County General Fund Jail Reserve Account.

SECTION 2. The sum of Two Hundred Fifty-nine Thousand Seven Hundred Seventy-nine Dollars (\$259,779) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	47,503
3. Other Services and Charges	104,792
4. Capital Outlay	<u>107,484</u>
TOTAL INCREASE	259,779

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>259,779</u>
TOTAL REDUCTION	259,779

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

PROPOSAL NO. 257, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 257, 1996 on April 10, 1996. The proposal is an appropriation of \$55,501 for the County Sheriff to pay for security and identification equipment needed to begin the screening of all personnel entering the West wing of the City-County Building financed from the County 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 stated that he understands that not everyone will be screened as they enter the West wing--some individuals will have passes. Councillor Dowden stated that some employees will have identification cards.

Councillor O'Dell asked if this new security program will require additional manpower. Councillor Dowden answered that it will require additional employees, but some of the personnel have already been assigned.

Councillor Borst stated that it was his understanding that everyone entering the West wing would be screened; therefore, he will be voting against this proposal.

The President called for public testimony at 10:09 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 257, 1996 was adopted on the following roll call vote; viz:

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

1 NOT VOTING: Black

1 ABSENT: Williams

Proposal No. 257, 1996 was retitled FISCAL ORDINANCE NO. 46, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Fifty-five Thousand Five Hundred One Dollars (\$55,501) in the County General Fund for purposes of the County Sheriff 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 1.02 (y) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff and the purchase of security and identification equipment needed in the City-County Building to begin the screening of all personnel entering the West Wing of the City-County Building which houses most of the Superior Court-Criminal Division.

SECTION 2. The sum of Fifty-five Thousand Five Hundred One Dollars (\$55,501) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	3,650
4. Capital Outlay	<u>51,851</u>
TOTAL INCREASE	55,501

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>55,501</u>
TOTAL REDUCTION	55,501

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

PROPOSAL NO. 262, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 262, 1996 on April 10, 1996. The proposal is an appropriation of \$369,162 for the Community Corrections Agency to pay for security of inmates on the 5th floor of the City-County Building financed by revenues in the County General Fund, Jail Reserve Account. 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 10:11 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 262, 1996 was adopted on the following roll call vote; viz:

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

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2 NOT VOTING: Franklin, Schneider

1 ABSENT: Williams

Proposal No. 262, 1996 was retitled FISCAL ORDINANCE NO. 47, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Three Hundred Sixty-nine Thousand One Hundred Sixty-two Dollars (\$369,162) in the County General Fund for purposes of the Community Corrections and the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund Jail Reserve Account.

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,z) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections and the County Auditor for providing operating dollars for security of inmates on the 5th floor of the City-County Building.

SECTION 2. The sum of Three Hundred Sixty-nine Thousand One Hundred Sixty-two Dollars (\$369,162) 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>COMMUNITY CORRECTIONS</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	10,000
3. Other Services and Charges	356,662
<u>COUNTY AUDITOR</u>	
1. Personal Service - fringes	2,500
TOTAL INCREASE	369,162

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	369,162
TOTAL REDUCTION	369,162

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

PROPOSAL NO. 268, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 268, 1996 on May 14, 1996. The proposal, sponsored by Councillors Curry, Schneider, Dowden, and Bradford, approves the 96th Street/Castleton economic development area. By a 7-0 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 10:12 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Dowden, for adoption. Proposal No. 268, 1996, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING Borst

1 ABSENT: Williams

Proposal No. 268, 1996, as amended, was retitled GENERAL RESOLUTION NO. 6, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 1996

A GENERAL RESOLUTION approving the determination by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana that a certain geographic area designated as the "96th Street/Castleton Economic Development Area" is an economic development area pursuant to IC 36-7-15.1.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), pursuant to IC 36-7-15.1 and IC 36-7-25, both as amended (collectively referred to as the "Act"), on February 7, 1996, approved and adopted its Resolution No. 96-D-011 declaring the 96th Street/Castleton Economic Development Area as an "economic development area" as described in the Act (the "Declaratory Resolution"), which Declaratory Resolution was confirmed after a public hearing by Resolution No. 96-D-029, adopted on March 20, 1996; and

WHEREAS, the Commission has caused to be prepared maps and plats of the 96th Street/Castleton Economic Development Area (the "Economic Development Area"), and said maps and plats show the boundaries of the Economic Development Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning or redevelopment or economic development of the Economic Development Area, and other public purposes under the 96th Street/Castleton Economic Development Area Plan (the "Economic Development Plan") for the Economic Development Area as adopted by the Commission; and

WHEREAS, the Economic Development Plan for the Economic Development Area has been presented to the City-County Council; and

WHEREAS, pursuant to the Act, the City-County Council desires to approve the determination that the geographic area described as the 96th Street/Castleton Economic Development Area in the Economic Development Plan is an economic development area pursuant to the Act; 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 does hereby approve the determination by the Commission that the geographic area described in the Economic Development Plan as the 96th Street/Castleton Economic Development Area is an economic development area pursuant to the Act. The creation and existence of this economic development area creates no presumptions regarding land use, especially with regard to urban conservation areas, and does not amend the Comprehensive Land use Plan affecting this economic development area.

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

PROPOSAL NO. 269, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 269, 1996 on May 14, 1996. The proposal, sponsored by Councillors Curry, Schneider, Dowden, and Bradford, approves the issuance of bonds in the amount of \$14,200,000 for the 96th Street/Castleton economic development area and the

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appropriation of proceeds on the bonds. By a 7-0 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 10:14 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Schneider, for adoption. Proposal No. 269, 1996, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: Williams

Proposal No. 269, 1996, as amended, was retitled SPECIAL ORDINANCE NO. 8, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1996

A SPECIAL ORDINANCE of the City of Indianapolis, Indiana (the "City") and the County of Marion, Indiana (the "County"), authorizing the issuance and sale of bonds of the City for the purpose of procuring funds to provide for road improvements located within the City's jurisdiction, including all expenses in connection with or on account of the issuance of bonds therefore, and appropriating the sum of Fourteen Million Two Hundred Thousand Dollars (\$14,200,000) for such purposes.

WHEREAS, the Board of Capital Asset Management of the City of Indianapolis, Indiana, has found that it would be in the best interest of the City and its citizens to provide for road improvements as encompassed in the 96th Street/Castleton Economic Development Area Plan adopted by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, located within the City's jurisdiction, including, where necessary, the cost of acquiring land or rights-of-way for such purposes (the "Projects"), at an estimated total cost of Thirteen Million Seven Hundred Four Thousand Dollars (\$13,704,000), exclusive of all expenses necessary and incidental thereto and including all expenses in connection with or on account of the issuance of bonds therefor; and

WHEREAS, the City has previously issued its City of Indianapolis Transportation Revenue Bonds, Series 1992 (the "1992 Bonds"), pursuant to a Trust Indenture dated as of December 1, 1992 (the "Original Indenture"), among the City, The Fifth Third Bank of Central Indiana, as trustee (the "Trustee") and The Fifth Third Bank, Cincinnati, Ohio, as registrar and paying agent (the "Registrar and Paying Agent"), which 1992 Bonds were payable from Revenues, comprised of Wheel Tax Distributions and Motor Fuel Tax Distributions (all as defined and described in the Original Indenture); and

WHEREAS, the costs of the Projects necessitate a further appropriation, and a request for such appropriation in an amount not to exceed Fourteen Million Two Hundred Thousand Dollars (\$14,200,000), and all investments earnings thereon, for these purposes has been filed, which request has been approved by the Controller with the recommendation that the total funds necessary to cover the appropriation be obtained by the issuance and sale of revenue bonds of the City which bonds would be issued on a parity with the 1992 Bonds; and

WHEREAS, this City-County Council did not include the proceeds of such bonds of the City in the regular budget; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the cost of the Projects, and the issuance of such bonds designated "City of Indianapolis Transportation Revenue Bonds, Series 1996" has been authorized to procure the necessary funds and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Clerk of this City-County Council has caused notice of a hearing on the appropriation to be published as required by law; and

WHEREAS, such public hearing on such appropriation was held at the meeting of this City-County Council on May 20, 1996, at 7:00 p.m. E.S.T., in the Public Assembly Room, on the Second Floor of the City-County Building, Indianapolis, Indiana, at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; and

WHEREAS, IC 5-I.4 provides that a "qualified entity", which term includes the City, may issue and sell its bonds to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds (as hereinafter defined) in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that it will be in the best interest of the City to sell the Bonds to the Bond Bank in a negotiated sale; and

WHEREAS, the City-County Council now finds that the Projects are necessary and will be of general benefit to the City of Indianapolis, Indiana, and its citizens; now, therefore:

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

SECTION 1. The City shall proceed with the Projects, including all expenses in connection with or on account of the issuance of Bonds therefore.

SECTION 2. For the purpose of procuring funds to pay for the Projects, including all expenses in connection with or on account of the issuance of Bonds therefore, the City shall enter into a loan in an amount not to exceed Fourteen Million Two Hundred Thousand Dollars (\$14,200,000).

In order to procure the funds for such loan, the Controller of the City is hereby authorized and directed to have prepared and to issue and sell to the Bond Bank the revenue bonds of the City, which Bonds of the City shall be designated as "City of Indianapolis Transportation Revenue Bonds, Series 1996", in an aggregate principal amount or an aggregate issued amount not to exceed Fourteen Million Two Hundred Thousand Dollars (\$14,200,000) (the "Bonds"). The Bonds shall be issued pursuant to the Original Indenture as supplemented by a First Supplemental Indenture similar in form and substance to the Supplemental Indenture (the Original Indenture and the Supplemental Indenture are together the "Indenture") submitted herewith and on file with the Clerk (copies of which shall be attached to the official copy of this ordinance), and shall be issued on a parity with the 1992 Bonds. The Bonds may be issued as Capital Appreciation Bonds or Serial Bonds (all as defined in the Indenture) or a combination of both.

The Bonds shall have a final maturity no later than July 1, 2010, in amounts negotiated with the Bond Bank, shall have a net interest cost which does not exceed eight percent (8%), shall be sold at par or with an original issue discount which does not exceed forty percent (40%), shall be in a form similar in substance and content to the form of the Bond contained in the Supplemental Indenture and shall be secured by the irrevocable pledge of the Revenues (as defined in the Indenture).

The Bonds or a portion thereof may be redeemable prior to maturity with a premium upon terms and conditions as are further detailed through negotiation with the Bond Bank by the Controller of the City (the "Controller") and the Mayor of the City (the "Mayor") consistent with the best interest of the City and the terms of this Ordinance. Bonds redeemed in part may be exchanged for a Bond or Bonds of the same maturity in authorized denominations equal to the remaining principal amount.

SECTION 3. The Controller and the Mayor are hereby authorized and directed to sell the Bonds to the Bond Bank at a negotiated sale pursuant to a Qualified Entity Purchase Agreement between the City and the Bond Bank (the "Qualified Entity Purchase Agreement") similar in form and substance to the Qualified Entity Purchase Agreement attached hereto as Appendix II.

Prior to delivery of the Bonds, the Controller shall obtain a legal opinion as to the validity of the Bonds and shall furnish such opinion addressed to the Bond Bank. The cost of such opinion shall be

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considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Bonds or the bonds issued by the Bond Bank.

SECTION 4. The City-County Council hereby authorizes and directs the Mayor, the Controller, the Clerk, the Treasurer of the County, ex-officio Treasurer of the City, the Director of the Department of Capital Asset Management of the City or any other officer of the City and each of them, for and on behalf of the City, to prepare, execute and deliver any and all other instruments, letters, certificates, agreements and documents as the official executing the same determines is necessary or appropriate to consummate the transactions contemplated by this Ordinance, and such determination shall be conclusively evidenced by the execution thereof. The Supplemental Indenture, the Qualified Entity Purchase Agreement and the Bonds contemplated by this Ordinance shall, upon execution, as contemplated herein, constitute the valid, legal and binding obligations of the City, the full performance and satisfaction of which by the City is hereby authorized and directed.

SECTION 5. The City-County Council hereby approves the Supplemental Indenture, the form of Bond contained therein and the Qualified Entity Purchase Agreement and the Mayor is hereby authorized and directed to execute, and the Clerk is hereby authorized and directed to attest and affix the seal of the City to, the Supplemental Indenture, the Bonds in the form attached to the Supplemental Indenture as Exhibit A and the Qualified Entity Purchase Agreement with such changes and revisions thereto as they deem necessary or appropriate to consummate the transaction contemplated hereby if such changes do not increase the interest rates, principal amount or discount in excess of that authorized in Section 2 or increase the security or revenues pledged in the Indenture, and such execution and attestation shall be conclusive evidence of their approval of such changes and revisions. The Supplemental Indenture, the Bonds and the Qualified Entity Purchase Agreement in the forms executed shall constitute the valid, legal and binding agreements of the City, the full performance and satisfaction of which by the City is hereby authorized and directed.

SECTION 6. The Mayor is hereby authorized to execute the Bonds with his manual or facsimile signature, and the Clerk is hereby authorized to attest the Bonds with her manual or facsimile signature, and cause the seal of the City to be impressed or a facsimile thereof to be printed on the Bonds, all in the form and manner herein provided. Upon the consummation of the sale of the Bonds, the Controller and the Treasurer of the County, ex-officio Treasurer of the City, shall be authorized to receive from the Bond Bank the amount to be paid for the Bonds and deliver the Bonds to the Bond Bank in the manner provided by law.

SECTION 7. The City-County Council hereby authorizes and directs any officers of the City, and each of them, for and on behalf of the City, and hereby authorizes and directs any officers of the County, and each of them, for and on behalf of the County, to prepare, execute and deliver any and all instruments, letters, certificates, agreements or documents as the officer executing the same determines are necessary or appropriate to effect this pledge of the Revenues (as defined in the Indenture) and to consummate the transactions described in this Ordinance and the Appendices hereto, such determination to be conclusively evidenced by such officer's execution thereof.

SECTION 8. The City-County Council hereby authorizes and directs any officers of the City, and each of them, for and on behalf of the City, and hereby authorizes and directs any officers of the County, and each of them, for and on behalf of the county, to take any actions as such officer determines is necessary or appropriate to consummate the transactions contemplated by or to accomplish the purposes of this Special Ordinance, such determination to be conclusively evidenced by such officer's taking of such action.

SECTION 9. After passage and upon execution of the Qualified Entity Purchase Agreement by the Mayor and attestation by the City Clerk, this Special ordinance shall be irrevocable and shall not be amended until all the Bonds, including Additional Bonds (as defined in the Indenture) have been paid in full or are deemed no longer outstanding in accordance with the provisions of the Indenture.

SECTION 10. The proceeds derived from the sale of the Bonds herein authorized to be issued and all investment earnings thereon shall be, and they hereby are, appropriated by the City-County Council for the purpose of procuring funds to pay for the Projects, including all expenses in connection with or on account of the issuance of bonds thereof.

SECTION 11. Such appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the activities described in Section 10 above. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

SECTION 12. The Clerk of the City-County Council is hereby authorized and directed to certify a copy of this Special Ordinance together with such other proceedings and actions as may be necessary to the Marion County Auditor for certification to the State Board of Tax commissioners for the purpose of complying with IC 6-1.1-18-5.

SECTION 13. This Special Ordinance shall rescind and repeal any portions of any special ordinances or general ordinances of the City or County which conflict with the terms hereof if the conflict would have a material adverse impact on the Bonds, the security for the Bonds, the Indenture or the Supplemental Indenture.

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

PROPOSAL NO. 309, 1996. The proposal 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. Councillor Curry asked for consent to postpone Proposal No. 309, 1996 until June 24, 1996. Consent was given.

PROPOSAL NO. 310, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 310, 1996 on May 14, 1996. The proposal, sponsored by Councillor Curry, 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. 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 10:17 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 310, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 310, 1996 was retitled FISCAL ORDINANCE NO. 48, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Three Million Nine Hundred Eighty-nine Fifty-four Dollars (\$3,989,054) and transferring Three Million Seven Hundred Thirteen Eight Hundred Eighty-one Dollars (\$3,713,881) for the purposes of Information Services Agency and reducing the unappropriated and unencumbered balance in the ISA internal Services Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,ff) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases, transfers and reductions hereinafter stated for purposes of the Information Services Agency for the purpose of restructuring including outsourcing contract with SCT..

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SECTION 2. The sum of Three Million Nine Hundred Eighty-nine Fifty-four Dollars (\$3,989,054) and the transfer of Three Million Seven Hundred Thirteen Eight Hundred Eighty-one Dollars (\$3,713,881) 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>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
3. Other Services and Charges	<u>7,702,935</u>
TOTAL INCREASE	7,702,935

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

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
1. Personal Services	2,149,788
2. Supplies	69,000
4. Capital Outlay	940,097
<u>COUNTY AUDITOR</u>	
1. Personal Services-fringes	555,006
Unappropriated and Unencumbered Information Services Internal Services Fund	<u>3,989,054</u>
TOTAL REDUCTION	7,702,935

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

PROPOSAL NO. 312, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 312, 1996 on May 16, 1996. The proposal 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. 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 10:18 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Golc, for adoption. Proposal No. 312, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Gilmer

1 ABSENT: Williams

Proposal No. 312, 1996 was retitled FISCAL ORDINANCE NO. 49, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 49, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Sixty Thousand Dollars (\$60,000) in the State Grants Fund for purposes of the Department of Parks and Recreation 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 (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 to carry out improvements in Perry Park.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) 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>STATE GRANTS FUND</u>
4. Capital Outlays	<u>60,000</u>
TOTAL INCREASE	60,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>60,000</u>
TOTAL REDUCTION	60,000

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. 317, 1996. The proposal 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. Councillor Dowden asked for consent to postpone Proposal No. 317, 1996, until June 24, 1996. Consent was given.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 316, 319, 320, and 322, 1996 on May 1, 1996. He asked for consent to vote on these four proposals together. Consent was given.

PROPOSAL NO. 316, 1996. The proposal is an appropriation of \$152,500 to continue the County comprehensive traffic safety program through the Prosecuting Attorney financed by a federal grant. PROPOSAL NO. 319, 1996. The proposal is an appropriation of \$34,661 for the Marion County Justice Agency to continue the Drug Use Forecasting Program financed by a federal grant. PROPOSAL NO. 320, 1996. The proposal 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. PROPOSAL NO. 322, 1996. The proposal 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. By 7-0 votes, the Committee reported Proposal Nos. 316, 319, and 322, 1996 to the Council with the recommendation that they do pass. By a 7-0 vote, the Committee reported Proposal No. 320, 1996 to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 10:24 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal Nos. 316, 319, 320, as amended, and 322, 1996 were adopted on the following roll call vote; viz:

- 27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, 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:
- 1 NOT VOTING: Coonrod
- 1 ABSENT: Williams

Proposal No. 316, 1996 was retitled FISCAL ORDINANCE NO. 50, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 50, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional One Hundred Fifty-two Thousand Five Hundred Dollars (\$152,500) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney 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(v) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to allocate an appropriation of increased funding from the State and Federal Grant Fund for the continuation of a comprehensive Traffic Safety Program in Marion County.

SECTION 2. The sum of One Hundred Fifty-two Thousand Five Hundred Dollars (\$152,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	55,000
3 Other Services and Charges	<u>97,500</u>
TOTAL INCREASE	152,500

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 Grants Fund	<u>152,500</u>
TOTAL REDUCTION	152,500

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

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

Proposal No. 319, 1996 was retitled FISCAL ORDINANCE NO. 51, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 51, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Thirty-four Thousand Six Hundred Sixty-one Dollars (\$34,661) in the State and Federal Grant Fund for purposes of the Marion County Justice Agency and 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(bb,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 Justice Agency and County Auditor to allocate an appropriation of increased funding from the State and Federal Grant Fund for the continuation of the Drug Use Forecasting program with the National Institute of Justice.

SECTION 2. The sum of Thirty-four Thousand Dollars Six Hundred Sixty-one Dollars (34,661) be and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	28,975
2. Supplies	750
3. Other Services and Charges	300
<u>COUNTY AUDITOR</u>	
1. Personal Services -fringes	4,636
TOTAL INCREASE	34,661

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>34,661</u>
TOTAL REDUCTION	34,661

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

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

Proposal No. 320, 1996, as amended, was retitled FISCAL ORDINANCE NO. 52, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 52, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Three Hundred Thirty-six Thousand One Hundred Nineteen Dollars (\$336,119) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

May 20, 1996

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(bb,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 Justice Agency and County Auditor to allocate an appropriation of increased funding from the State and Federal Grant Fund for the salaries for law enforcement officers in the pursuit of illegal drug activities.

SECTION 2. The sum of Three Hundred Thirty-six Thousand One Hundred Nineteen Dollars (\$336,119) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	159,079
3. Other Services and Charges	136,462
 <u>COUNTY AUDITOR</u>	
1. Personal Services -fringes	<u>40,578</u>
TOTAL INCREASE	336,119

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>336,119</u>
TOTAL REDUCTION	336,119

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

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

Proposal No. 322, 1996 was retitled FISCAL ORDINANCE NO. 53, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 53, 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 Dollars (\$75,000) 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 youth programs.

SECTION 2. The sum of Seventy-five Thousand Dollars (\$75,000) 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:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

1. Personal Services
3. Other Services and Charges
TOTAL INCREASE

FEDERAL GRANTS FUND

15,000
60,000
75,000

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

Unappropriated and Unencumbered
Federal Grants Fund
TOTAL REDUCTION

FEDERAL GRANTS FUND

75,000
75,000

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. 361, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 361, 1996 on May 16, 1996. The proposal is an appropriation of \$500,000 for the Department of Parks and Recreation to make capital improvements financed from the City Cumulative Capital Development Fund balance. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford stated that Ray Wallace, Director, Department of Parks and Recreation, and Ray Irwin, Indianapolis Greenways Project Manager, have met with him and have given him a great deal of information. He still has questions and reservations about the whole Canal project; therefore, he will not be able to support this proposal.

The President called for public testimony at 10:27 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Golc, for adoption. Proposal No. 361, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 361, 1996 was retitled FISCAL ORDINANCE NO. 54, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 54, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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

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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 Five Hundred Thousand Dollars (\$500,000) 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>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlays	<u>500,000</u>
TOTAL INCREASE	500,000

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

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>500,000</u>
TOTAL REDUCTION	500,000

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

PROPOSAL NO. 413, 1996. The proposal approves (or rejects) the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library. Councillor O'Dell stated that due to an interpretation of state law, he moved to recognize that this proposal has been introduced and to suspend the public hearing to be continued before the Municipal Corporations Committee on June 6. The motion was seconded by Councillor Smith, and passed by unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 367, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 367, 1996 on May 8, 1996. The proposal allows employees affected by the privatization of the City's sewer maintenance work to convert accrued sick time to benefit leave prior to their separation from City employment. Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 367, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Golc*

1 ABSENT: *Williams*

Proposal No. 367, 1996 was retitled GENERAL ORDINANCE NO. 65, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 1996

A PROPOSAL FOR GENERAL ORDINANCE adding Sec. 23-40.5 of the Code of Indianapolis and Marion County to add a special conversion period for certain employees

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

SECTION 1. Section 23-40.5 of the Code of Indianapolis and Marion County is hereby added to read as follows:

Sec. 23-40.5. Special Conversion Period.

Notwithstanding Sec. 23-39(c), current employees of the Sewer and Drainage Operations Section of the Maintenance Operations Division of the Department of Public Works may elect to convert accrued sick leave in excess of one hundred forty four (144) hours to benefit leave at the rate of one (1) benefit leave hour for every two (2) sick leave hours. Such election must be made in writing to the department director prior to June 1, 1996 and, once made, may not be revoked. The conversion will be effective upon submission to the Director.

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

SECTION 3. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 229, 1996. The proposal appoints Martin G. (Mike) Ramey to the Community Centers of Indianapolis Board. Councillor Franklin asked for consent to postpone Proposal No. 299, 1996. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 264, 1996. Due to Councillor Coughenour's absence, Councillor Gilmer presided over the Public Works Committee meeting on May 8, 1996. Councillor Gilmer reported that the Public Works Committee heard Proposal No. 264, 1996 on May 8, 1996. The proposal amends the Code concerning towing and storage charges for abandoned vehicles. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption.

Councillor Borst asked (1) how many of the abandoned vehicles are claimed by their owners, and (2) what is the rate of collection. Councillor Gilmer replied that the City collects approximately \$2000 per month. The cars are sold if they are not claimed. Michael Brink, Enterprise Development Analyst, stated that 25% of the cars that are towed are eventually reclaimed by the owners.

Proposal No. 264, 1996 was adopted on the following roll call vote; viz:

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

May 20, 1996

2 NAYS: Black, Brents
3 NOT VOTING: Dowden, Golc, Schneider
1 ABSENT: Williams

Proposal No. 264, 1996 was retitled GENERAL ORDINANCE NO. 66, 1996, and reads as follows:

CITY COUNTY GENERAL ORDINANCE NO. 66, 1996

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Indiana, Section 29-391, dealing with towing and storage charges for abandoned vehicles.

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 is hereby amended by adding the language underlined and deleting the language stricken as follows:

Sec. 29-391. Towing and storage charges.

(a) An owner or lienholder who claims a vehicle impounded and declared abandoned by the Indianapolis Police Department shall be charged a towing fee and a per-day storage fee consistent with the provisions of the contract entered into between the department of public safety and franchised wreckers as provided in Division 2 of Article VI of Chapter 29 of the Code of Indianapolis and Marion County.

(b) Except as specified in subsection (a) above, an owner or lienholder who claims a vehicle removed and stored by the department of public works shall be charged a ~~fifteen dollar (\$15.00)~~ twenty-five dollar (\$25.00) towing fee and ~~two dollars (\$2.00)~~ ten dollars (\$10.00) per day storage fee. The storage fee shall be allowed to accumulate for a maximum period of sixty (60) days.

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

SECTION 3. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if such remaining provisions can be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance shall be severable.

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

PROPOSAL NO. 308, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 308, 1996 on May 14, 1996. The proposal establishes administrative process for adjudication of parking tickets. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 308, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 308, 1996 was retitled GENERAL ORDINANCE NO. 67, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 67, 1996

A GENERAL ORDINANCE amending Chapter 103 of the "Revised Code of the Consolidated City and County" by adding a new Article IV to provide administrative adjudication of parking citations, and by amending Article III concerning the procedures of the ordinance violations bureau.

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

SECTION I. Chapter 103 of the "Revised Code of the Consolidated City and County" is hereby amended by adding a new Article IV, to read as follows:

ARTICLE IV. ADMINISTRATIVE ADJUDICATION OF PARKING CITATIONS

Sec. 103-71. Definitions.

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

parking citation means a citation issued pursuant to Article III of this chapter for an ordinance violation which is listed in the schedule in Section 103-52, and which pertains to the stopping, standing or parking of vehicles;

party and parties refers to the city and respondents; and,

respondent means a person to whom a notice of hearing is issued pursuant to Section 103-74 of this article.

Sec. 103-72. Administrative adjudication provided.

It is hereby declared to be the policy of the city that parking citations which are not resolved pursuant to the enforcement procedures under Article III of this chapter may be subject to enforcement in administrative proceedings as provided in this article.

Sec. 103-73. Hearing officers; appointment and term; compensation; qualifications; conduct.

(a) The administrative adjudication of a parking citation under this article shall be presided over by a hearing officer appointed by the mayor, subject to the approval of the city-county council. The mayor may appoint more than one hearing officer for contemporaneous terms, as necessary to address in an expeditious manner all parking citations referred to them pursuant to this article. Nothing in this section shall prohibit an individual who is an employee of the city from being appointed or serving as a hearing officer.

(b) A hearing officer shall be appointed for a term of one (1) year and until a successor is appointed, but shall serve at the pleasure of the mayor. A hearing officer may be reappointed for successive terms.

(c) A hearing officer shall not preside over a hearing if the hearing officer believes he or she is subject to disqualification, or if by motion of any party it appears that the hearing officer is subject to disqualification, for:

- (1) Bias, prejudice, or personal interest in the outcome of a hearing;
 - (2) Knowledge of a disputed evidentiary fact which might influence the decision;
 - (3) Failure to dispose of any motion or hearing in an orderly and reasonably prompt manner after written request by a party; or
 - (4) Any cause for which a judge of a court may be disqualified.
- (d) Except as to the subjects of hearing schedules and procedures, a hearing officer who:

- (1) Comments publicly on a hearing over which the hearing officer presides; or
- (2) Communicates directly or indirectly with a party or other individual who has an interest in the outcome of a hearing, without notice and opportunity for all parties to participate in the communication;

is subject to disqualification under this section.

Sec. 103-74. Notice of administrative hearing.

(a) Whenever the violations clerk reports to the city prosecutor that a person upon whom a parking citation was served pursuant to article III of this chapter has:

- (1) Appeared and denied the violation; or
- (2) Failed to appear at the ordinance violations bureau within ten (10) days of issuance of the citation; or
- (3) Failed to pay the specified civil penalty within seven (7) days after admitting the violation;

the city prosecutor may either file an enforcement action in court, or issue a notice of administrative hearing to the person upon whom the citation was served or to the person who is listed with the Indiana Bureau of Motor Vehicles as the registered owner of the vehicle identified on the citation.

(b) Service of notice of administrative hearing shall be by United States mail to the respondent's last known address, or by personal service. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. The city prosecutor shall keep a record of the time, date and manner of service.

(c) The city prosecutor shall cause a copy of each notice issued pursuant to this section to be delivered to the hearing officer who will preside over the hearing.

(d) Each notice of administrative hearing shall include the following information:

- (1) A caption for the hearing, which shall include the name of each party expected to participate in the hearing, and an official file or other reference number;
- (2) A statement of the date, time and place of the hearing;
- (3) A statement of the nature of the hearing, including the legal authority under which the hearing is to be held, and the parties' procedural rights at the hearing;
- (4) A statement of the date, time and place of each alleged violation as stated on the parking citations, and the maximum penalty which can be imposed thereupon;
- (5) The name, official title, and mailing address of the hearing officer and a telephone number through which information concerning the hearing may be obtained;
- (6) The name, official title, mailing address and telephone number of the person who has been designated to appear on behalf of the city; and,
- (7) A statement that a party who fails to respond to the notice of the hearing, or to participate in the hearing, may be held in default.

(e) Notice of administrative hearing shall be issued at least twenty (20) days prior to the date of the hearing.

Sec. 103-75. Pre-hearing procedures.

(a) Prior to the hearing, the hearing officer shall give the parties an opportunity to file documents or motions regarding matters such as continuances, discovery, and any other preliminary matters. At the time of filing, a party shall serve a copy of all filed items on each other party.

(b) Motions for continuance shall be filed no later than seven (7) days before the date assigned for the hearing, unless the reason therefor is shown by affidavit to have occurred within the seven (7) day period.

(c) The hearing officer, upon request by any party or upon the hearing officer's own initiative, may issue subpoenas and discovery orders in accordance with the rules of procedure governing subpoenas and discovery in judicial proceedings. The party seeking the subpoena or order shall cause them to be served in accordance with these rules of procedure.

Sec. 103-76. Hearing procedures.

(a) The hearing officer shall afford all parties the opportunity to participate in the hearing to the extent necessary for full consideration of all relevant facts and issues. A party may present evidence in the form of testimony, affidavits and documentation, engage in argument, and conduct cross-examination. A party may participate in person or by counsel at the party's own expense; if the party is not an individual or is incompetent to participate, then the party shall participate by a duly authorized representative.

(b) The city shall have the burden of proof that the respondent owned or operated a vehicle which was parked, stopped, or left standing as alleged on the parking citation, and the burden may be sustained by a preponderance of the evidence.

(c) The hearing officer shall conduct the hearing in an informal manner and without strict adherence to the technical rules of evidence and procedure which govern judicial proceedings. The hearing officer shall rule on the admissibility of any offer of proof, and on other motions, and shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds. The testimony of each party and witness shall be made under oath or affirmation.

(d) The hearing officer may take official notice of any section of the Code, and any law or fact that could be judicially noticed in the courts.

(e) The hearing officer shall cause the hearing to be recorded on audio tape at the expense of the city.

Sec. 103-77. Decision.

(a) Upon the conclusion of each hearing, the hearing officer shall render a decision which includes a determination whether the respondent violated the ordinance as alleged on the parking citation, the amount of civil penalty which must be paid for each violation with instructions on when and how payment shall be made, and a statement of the parties' right to petition for review of the decision.

(b) The decision shall be based exclusively upon the evidence of record in the hearing and on matters officially noticed therein. The hearing officer's experience and specialized knowledge may be used in the evaluation of the evidence.

(c) The hearing officer shall cause each decision rendered pursuant to this section to be memorialized on a minute sheet or similar written entry into the record.

(d) A decision rendered pursuant to this section may be modified by the hearing officer who rendered it, upon the hearing officer's own initiative or by motion of any party. Any motion to modify a decision shall be filed within thirty (30) days after the date of the decision.

Sec. 103-78. Record of the hearing.

The record of each hearing under this article consists of the following:

- (1) The notice of hearing;
- (2) The parking citations, if available;
- (3) Any documents or motions filed or entered into evidence;
- (4) Any written orders, subpoenas, and decision of the hearing officer; and,
- (5) The tape recording of the hearing;

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and shall constitute the complete and exclusive record for review of a hearing officer's decision.

Sec. 103-79. Petition for review of decision; time limitation.

(a) A verified petition for review of the decision of a hearing officer, stating the alleged error and any factual or legal basis therefor, may be filed in the circuit or superior court of Marion County within thirty (30) days after the day on which the decision is rendered. A party who does not file an appeal within this time period forfeits the right to appeal.

(b) Any party who files a verified petition for review shall within fifteen (15) days thereafter secure from the hearing officer a certified copy of the record of the hearing, and file the same with the clerk of the court.

(c) An extension of time within which to file the record may be granted by the court upon a showing of good cause, which shall include the petitioner's inability to obtain the certified copy of the record with fifteen (15) days.

(d) The failure of a party to file a certified copy of the record or to secure an extension of time therefor shall be cause for dismissal of the petition for review upon motion of any party of record.

SECTION 2. Chapter 103, Article III of the "Revised Code of the Consolidated City and County" is hereby amended by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

Sec. 103-59. Procedure on denial of violation, failure to appear or failure to pay.

If a person upon whom a citation is served pursuant to this article:

- (1) Appears and denies the violation; or
- (2) Fails to appear and either admit or deny the violation within ten (10) days of issuance of the citation;
or
- (3) Fails to pay the specified civil penalty within seven (7) days after admitting the violation;

the violations clerk shall report such circumstances to the city prosecutor ~~legal division~~ for appropriate administrative or judicial ~~court~~ proceedings against such person.

Sec. 103-60. Limitations.

The civil penalties specified in this article shall apply only to violations admitted as provided in this article and shall be considered offers in compromise. If administrative or judicial proceedings are initiated for such violation, the specific penalties for such violation or the general penalties of the Code shall be applicable to the violation.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in the adoption of this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 311, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 311, 1996 on May 13, 1996. The proposal adopts minor

amendments to the Commercial and Special Districts Zoning Ordinances referencing the Thoroughfare Plan for Marion County (96-AO-1). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No. 311, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Coughenour, Golc

1 ABSENT: Williams

Proposal No. 311, 1996 was retitled GENERAL ORDINANCE NO. 68, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 1996
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 96-AO-1
Proposal No. 311. 1996

A GENERAL ORDINANCE to amend certain sections of: A. the Revised Code of the Consolidated City and County; and, B. the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, and fixing a time when the same shall take effect.

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

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

SECTION 1. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, and 94-AO-7), as amended, pursuant to IC 36-7-4 be amended as follows:

- A. That Section 2.00, A, 3 be amended by deleting the stricken-through language as follows:
3. b. Established setback exception. In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Commercial or Industrial District) for more than twenty-five percent (25%) of the linear frontage of the block (or a distance of two hundred [200] linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure, except surface parking lots, shall be the average of such established yards if such dimension if less than the minimum required front setback established by this ordinance. Provided, however, that in no case shall a building or structure:
 - encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana ~~adopted March 6, 1993~~, unless subject to the provisions of Section 2.13, A.;
 - encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or,

- encroach into a clear sight triangular area, as required in Section 2.13, C.
- c. Expansion along an existing legally established nonconforming front setback line. The minimum required front setback in any Commercial District for any existing building, having a legally established front setback line which is less than the required front setback of the District, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:
 - (1) only a one time expansion along the legally established nonconforming setback line shall be permitted; and,
 - (2) the linear front footage of the expansion does not exceed fifty percent (50%) of the linear front footage of the existing building, and all other requirements of this ordinance are maintained for the expansion.

Provided, however, that in no case shall a building or structure:

- encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana, ~~adopted March 6, 1993~~, unless subject to the provisions of Section 2.13, A.;

B. That Section 2.13, A be amended by deleting the stricken-through language and inserting the underlined language as follows:

1. No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:

Ten (10) feet from the proposed right-of-way or seventy (70) feet from the center line, whichever is greater: Expressway, Freeway, Primary Arterial, Parkway, Secondary Arterial: (as designated on the Official Thoroughfare Plan for Marion County, Indiana, ~~adopted March 6, 1993~~)

Ten (10) feet from the proposed right-of-way: Collector Street, Local Street, Marginal Access Street (including Marginal Access Streets with a coinciding right-of-way boundary immediately paralleling either a Federal Interstate Highway route or any thoroughfare), Cul-de-Sac or any private street:

e. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, ~~(officially adopted March 6, 1991)~~, or where the existing right-of-way is greater, the existing right-of-way shall be used for the setback measurement.

3. Structures, including parking areas, parking spaces, interior access drives and interior access driveways may be located within the front setback in an area designated as proposed right-of-way under the following provisions:

- a. Streets not designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana ~~adopted March 6, 1991~~.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way, except when interrupted by driveway(s).

- b. Street designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana, ~~adopted March 6, 1991~~.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

SECTION 2. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 7 (adopted under Metropolitan Development Commission docket numbers:

- (a) Park Districts Zoning Ordinance: 69-AO-2,
- (b) Hospital Districts Zoning Ordinance: 68-AO-8, 73-AO-3,
- (c) University Quarter Zoning Ordinance: 66-AO-6, 73-AO-5,
- (d) Special Use Districts Zoning Ordinance: 66-AO-3, 67-AO-5, 68-AO-13, 78-AO-1, 94-AO-4, 94-AO-7, 95-AO-12
- (e) Special Districts Zoning Ordinance: 94-AO-3, 95-AO-3, 95-AO-12),

as amended, pursuant to IC 36-7-4, be amended as follows:

A. That Section 2.01, F be amended by deleting the stricken-through language as follows:

1. *Location.* Public parks larger than ten (10) acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan of Marion County, Indiana (~~adopted March 6, 1991~~), as a primary or secondary thoroughfare, parkway, expressway or freeway.

3. *Setback lines and minimum front yards.*

a. Front yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:

- (1) Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, ~~adopted March 6, 1991~~).

No part of any structure shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

- (2) Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, ~~adopted March 6, 1991~~). No part of any structure shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.

SECTION 3. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

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

PROPOSAL NO. 314, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 314, 1996 on May 1, 1996. The proposal approves amendments to pension plan for Marion County Sheriff's merit deputies. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 314, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Golc

1 ABSENT: Williams

Proposal No. 314, 1996 was retitled SPECIAL RESOLUTION NO. 43, 1996, and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 43, 1996

A SPECIAL RESOLUTION approving amendments to the Marion County Police Department Personnel Retirement Plan.

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

SECTION 1. Pursuant to IC 36-8-10-12, the modifications of the Marion County Police Department Personnel Retirement Plan, as set forth in the copy which is attached to this resolution, be, and are hereby approved.

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

PROPOSAL NO. 315, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 315, 1996 on May 1, 1996. The proposal amends the Code pertaining to the Enhanced Access Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 315, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Black, Golc

1 ABSENT: Williams

Proposal No. 315, 1996 was retitled GENERAL ORDINANCE NO. 69, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 1996

A GENERAL ORDINANCE amending the Revised Code of The Consolidated City and County by amending Article III of Chapter 285, pertaining to the Marion County Enhanced Access Board.

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

SECTION 1. Article III of Chapter 285 of the Revised Code of the Consolidated City and County is hereby amended by inserting the words underlined as follows:

Sec. 285-309. Use of Public Records.

Any individual, corporation, limited liability company, partnership or unincorporated association who receives public information on a disc or tape under IC 5-14-3-3(d) may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other individual, corporation, limited liability company, partnership or unincorporated association for these purposes; provided, however, such information may be used in connection with the preparation or publication of news, for nonprofit activities, or for academic research. An individual, corporation, limited liability company, partnership or unincorporated association who uses information in a manner contrary to this provision may be prohibited from obtaining a copy or any further data under IC 5-14-3-3(d).

SECTION 2. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision

or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 323, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 323, 1996 on May 1, 1996. The proposal, sponsored by Councillor Curry, exempts the Metropolitan Emergency Communications Board from being a "subject agency" of the Information Technology Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 323, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Brents*

1 ABSENT: *Williams*

Proposal No. 323, 1996 was retitled GENERAL ORDINANCE NO. 70, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 70, 1996

A GENERAL ORDINANCE amending the Revised Code of The Consolidated City and County by amending Article II of Chapter 281, pertaining to the Information Technology Board.

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

SECTION 1. Article II of Chapter 281 of the Revised Code of the Consolidated City and County is hereby amended by inserting the words underlined as follows:

Sec. 281-212. Powers and duties.

- (a) The board shall have the following powers and duties:
- (1) Establish and revise information technology guidelines, standards and benchmark processes for subject agencies and other users;
 - (2) Establish and maintain procedures for the technology related planning, approval and quality review of information technology operations and initiatives;
 - (3) To review, approve and administer major IT contracts;
 - (4) To define at least five (5) functional classifications for representation of the various subject agencies on the IT team;
 - (5) To review and make recommendations concerning all information budgets, and approve all operating systems, contracts and expenditures for IT services, equipment purchase, rent or lease, consultants, management or technical personnel, studies, programs and IT materials or supplies for any and all users;
 - (6) To conduct studies and evaluations of any and all IT needs and current systems operations of users;
 - (7) To contract for technical and specialized assistance in administering its duties;

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- (8) To require annual IT service plans and resources inventories from all users;
- (9) To develop, maintain and communicate IT services policy and administrative procedures for users and an IT services master plan for users;
- (10) To employ, or retain by personal services contract, a chief information officer, who shall have such duties as established herein, to serve at the pleasure of the board;
- (11) To promulgate rules and regulations for the efficient administration of its policies and procedures for users;
- (12) To develop and oversee adherence to standards for security and confidentiality of all data, information and telecommunication systems including back-up/recovery plans;
- (13) The exclusive power to select and contract with telecommunication providers for all city and county offices and agencies; whose expenditures for such services are paid from funds subject to appropriation by the city-county council;
- (14) To delegate any functions to the chief information officer or the IT Team, subject to review by the board.

(b) Should any powers granted by this Article conflict with powers granted under IC 36-8-15-1 et seq. or Article 1, Chapter 10 of the Code of Indianapolis and Marion County, or Chapter 851 or Article 1 of Chapter 285, the provisions of IC 36-8-15-1 et seq. or Article 1, Chapter 10, or Chapter 851 or Article 1 of Chapter 285 shall control.

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

PROPOSAL NO. 122, 1996. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 122, 1996 on February 21, 1996 and May 15, 1996. The proposal, sponsored by Councillor Tilford, reduces speed limits within Cumberland Estates subdivision (District 12). By a 7-0 vote on May 15, 1996, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Tilford, for adoption. Proposal No. 122, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 122, 1996 was retitled GENERAL ORDINANCE NO. 71, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 1996

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sect. 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 1. 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:

20 MPH

Pine Mountain Way
from Dale Hollow Drive to Lynchburg Way

Lynchburg Way
from Pine Mountain Way to Dale Hollow Drive

Dale Hollow Drive
from Pine Mountain Way to Cumberland Gap Drive

Cumberland Gap Drive
from Dale Hollow Drive to Crockett Drive

Crockett Drive
from Cumberland Gap Drive to Boone Drive

Boone Drive
from Cumberland Gap Drive to Crockett Drive

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 331, 332, 333, 335, 336, 337, 338, 339, 340, 341, 342, and 343, 1996 on May 15, 1996. Councillor Gilmer asked for consent to vote on Proposal Nos. 331, 332, 333, 335, 336, 337, 338, 339, and 340, 1996 together. Consent was given.

PROPOSAL NO. 331, 1996. The proposal, sponsored by Councillor Borst, authorizes intersection controls for Forrest Commons Subdivision, Section 5 (District 25). PROPOSAL NO. 332, 1996. The proposal, sponsored by Councillor Hinkle, authorizes intersection controls for Westpoint Business Park (District 18). PROPOSAL NO. 333, 1996. The proposal, sponsored by Councillor Gilmer, authorizes stop signs at Georgetown Road and 57th Street (District 1). PROPOSAL NO. 335, 1996. The proposal, sponsored by Councillors O'Dell and Smith, authorizes a multi-way stop at Franklin Road and Troy Avenue (Districts 13, 23). PROPOSAL NO. 336, 1996. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at Blackford Street and Vermont Street (District 16). PROPOSAL NO. 337, 1996. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at New Jersey Street and 24th Street (District 22). PROPOSAL NO. 338, 1996. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at New Jersey Street and 23rd Street (District 22). PROPOSAL NO. 339, 1996. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at Alabama Street and 24th Street (District 22). PROPOSAL NO. 340, 1996. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at Alabama Street and 23rd Street (District 22). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal Nos. 331, 332, 333, 335, 336, 337, 338, 339, and 340, 1996 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: Williams

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Proposal No. 331, 1996 was retitled GENERAL ORDINANCE NO. 72, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 72, 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 addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
46	Banta Rd, Forrest Commons Blvd	Banta Rd	Stop
46	Forrest Commons Blvd, King James Ct	Forrest Commons Blvd	Stop

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

Proposal No. 332, 1996 was retitled GENERAL ORDINANCE NO. 73, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 73, 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 addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Country Club Rd, Frito Lay Dr	Country Club Rd	Stop

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

Proposal No. 333, 1996 was retitled GENERAL ORDINANCE NO. 74, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 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 addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Georgetown Rd, 57th St	Georgetown Rd	Stop

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

Proposal No. 335, 1996 was retitled GENERAL ORDINANCE NO. 75, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 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>
34	Franklin Rd (2998 S) Troy Av	Troy 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>
34	Franklin Rd (2998 S) Troy Av	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. 336, 1996 was retitled GENERAL ORDINANCE NO. 76, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 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:

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<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	Blackford St, Vermont St	Blackford 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>
24	Blackford St, Vermont 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. 337, 1996 was retitled GENERAL ORDINANCE NO. 77, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 37	New Jersey St	New Jersey St & 24th St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 37 All Stop		New Jersey St & 24th St	None

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

Proposal No. 338, 1996 was retitled GENERAL ORDINANCE NO. 78, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 37	New Jersey St	New Jersey St & 23rd St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 37	New Jersey St & 23rd 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. 339, 1996 was retitled GENERAL ORDINANCE NO. 79, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 1	Alabama St & 24th St	Alabama St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 1	Alabama St & 24th 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. 340, 1996 was retitled GENERAL ORDINANCE NO. 80, 1996, and reads as follows:

May 20, 1996

CITY-COUNTY GENERAL ORDINANCE NO. 80, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. I	Alabama St & 23rd St	Alabama St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. I	Alabama St & 23rd 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 NOS. 341, 342, and 343, 1996. Councillor Gilmer asked for consent to vote on these proposals together. Consent was given. PROPOSAL NO. 341, 1996. The proposal, sponsored by Councillor Brents, authorizes parking restrictions for Senate Avenue and St. Clair Street (District 16). PROPOSAL NO. 342, 1996. The proposal, sponsored by Councillor Moriarty Adams, authorizes parking restrictions on Emerson Avenue at University Avenue (District 15). PROPOSAL NO. 343, 1996. The proposal, sponsored by Councillor Brents, authorizes a loading zone for St. Elmo Steak House located at 127 South Illinois Street (District 16). By a 7-0 vote, the Committee reported Proposal No. 341, 1996 to the Council with the recommendation that it do pass. By a 7-0 vote, the Committee reported Proposal No. 342, 1996 to the Council with the recommendation that it do pass as amended. By a 6-0-1 vote, the Committee reported Proposal No. 343, 1996 to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 341, 342, and 343, 1996 were adopted on the following roll call vote; viz:

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

Proposal No. 341, 1996 was retitled GENERAL ORDINANCE NO. 81, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 1996

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

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

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

Senate Avenue, on both sides,
from the corner of St. Clair Street to
a point 100 feet north and south of St. Clair Street

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

Proposal No. 342, 1996 was retitled GENERAL ORDINANCE NO. 82, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 1996

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

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

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

Emerson Avenue, on the northwest corner,
from University Avenue to a point
100 feet north of University Avenue

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

Proposal No. 343, 1996 was retitled GENERAL ORDINANCE NO. 83, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 83, 1995

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

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. 29-331, Passenger and Material loading zones, be, and the same is hereby, amended by the addition of the following, to wit:

Illinois Street, on the east side,
from a point 168 feet north of Georgia Street
to a point 210 feet north of Georgia Street

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

May 20, 1996

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Moriarty Adams in memory of John Suesz; and
- (2) Councillor Brents, Boyd, and Jones in memory of Harold Hawkins.

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 John Suesz and Harold Hawkins. 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 advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:00 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 20th day of May, 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)