

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

**REGULAR MEETINGS
MONDAY, MAY 19, 1997**

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 7:24 p.m. on Monday, May 19, 1997, with Councillor SerVaas presiding.

Councillor Dowden 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.

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

Journal of the City-County Council

Chambers, on Monday, May 19, 1997, 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 29, 1997

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 *Court & Commercial Record* and in the *Indianapolis Star* or the *Indianapolis News* on Friday, May 2, 1997, a copy of a Notice of Public Hearing on Proposal Nos. 217, 218, 272, 273, 274, and 279, 1997, said hearing to be held on Monday, May 19, 1997, at 7:00 p.m. in the City-County Building.

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

May 12, 1997

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 *Court & Commercial Record* and in the *Indianapolis Star* or the *Indianapolis News* on Friday, May 16, 1997, a copy of a Legal Notice of General Ordinance No. 58, 1997.

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

May 2, 1997

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 30, 1997 - approves an increase of \$141,659 in the Department of Parks and Recreation's 1997 Budget (Federal and State Grant Funds) for three projects financed by federal and state grants: (1) renovations and enhancements to Krannert Pond (\$58,217), (2) erosion control along Eagle Creek Reservoir and upstream (\$46,000), and (3) improvements at Perry Park (\$37,442)

FISCAL ORDINANCE NO. 31, 1997 - approves an increase of \$62,403 in the Marion County Public Defender Agency's 1997 Budget (State and Federal Grants Fund) to continue the Pretrial Release and Sentencing Project funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 32, 1997 - approves an increase in the 1997 Budgets of the County Auditor, Public Defender Agency, Prosecuting Attorney, and Marion County Superior Courts (State and Federal Grants Fund) in the total amount of \$331,912 to continue funding of the expedited court project for an additional year

FISCAL ORDINANCE NO. 33, 1997 - approves a transfer in the 1997 Budgets of the County Auditor, Prosecuting Attorney, and the Justice Agency (Drug Free Community Fund) in the total amount of \$175,397 to continue funding of drug related programs for an additional year

FISCAL ORDINANCE NO. 34, 1997 - approves an increase of \$103,019 in the 1997 Budget of the Department of Public Safety, Emergency Management Planning Division (Federal Grants Fund) to

reimburse expenses of the Urban Search & Rescue Task Force during its deployment to the 1996 Atlanta Centennial Olympic Games fully funded by Federal Emergency Management Agency Grant

GENERAL ORDINANCE NO. 58, 1997 - expands the prohibition of skateboards to the Downtown Mile Square, the Canal Walk Zone, and Massachusetts Avenue

GENERAL ORDINANCE NO. 59, 1997 - adds Indiana Black Expo Community Development Corporation and United Northeast Development Corporation as eligible neighborhood development corporations for sales and grants of real property

GENERAL ORDINANCE NO. 61, 1997 - authorizes a traffic signal at Dandy Trail and Ocean Line Drive (District 18)

GENERAL ORDINANCE NO. 62, 1997 - authorizes a traffic signal at 71st Street and Hague Road (District 4)

GENERAL ORDINANCE NO. 63, 1997 - authorizes a multi-way stop at 28th Street and Station Street (District 10)

GENERAL ORDINANCE NO. 64, 1997 - authorizes a multi-way stop at 31st Street and New Jersey Street (District 22)

GENERAL ORDINANCE NO. 65, 1997 - authorizes a multi-way stop at 20th Street and Sharon Avenue (District 16)

GENERAL ORDINANCE NO. 66, 1997 - authorizes a multi-way stop at 14th Street and Pershing Avenue

GENERAL ORDINANCE NO. 67, 1997 - authorizes a multi-way stop at Riley Avenue and Walnut Street (District 15)

GENERAL ORDINANCE NO. 68, 1997 - authorizes a multi-way stop at 9th Street and Hamilton Avenue (District 15)

GENERAL ORDINANCE NO. 69, 1997 - authorizes a multi-way stop at 59th Street and Moller Road (District 1)

GENERAL ORDINANCE NO. 70, 1997 - authorizes multi-way stops at Oak Forge Drive and Sycamore Forge Lane; and at Oak Forge Circle, Maple Forge Court, and Oak Forge Lane (District 9)

GENERAL ORDINANCE NO. 71, 1997 - authorizes a multi-way stop at 57th Street and Coburn Avenue (District 9)

GENERAL ORDINANCE NO. 72, 1997 - authorizes parking restrictions on Pleasant Run Parkway North Drive and Prospect Street (District 21)

GENERAL ORDINANCE NO. 73, 1997 - authorizes parking restrictions on Prospect Street near Vandeman Street (District 21)

GENERAL ORDINANCE NO. 74, 1997 - authorizes parking restrictions on 42nd Street and Guilford Avenue (District 6)

GENERAL ORDINANCE NO. 75, 1997 - authorizes parking restrictions on Layman Avenue and Lowell Avenue (District 13)

SPECIAL ORDINANCE NO. 4, 1997 - a special ordinance for Carter Plastics, L.L.C. authorizing the issuance of economic development revenue bonds in an amount not to exceed \$9,500,000 to be used for the acquisition, construction, and equipping of a facility to be used for the manufacturing of plastic stadium cups and plastic food packaging to be located at 2200 Turner Avenue (District 17)

SPECIAL ORDINANCE NO. 5, 1997 - approves an amendment to a Lease Agreement by and between the Marion County Convention and Recreational Facilities Authority, as Lessor, and the Metropolitan Development Commission of Marion County, as Lessee

SPECIAL RESOLUTION NO. 27, 1997 - recognizes the 1996-97 Decatur Central boys basketball team

SPECIAL RESOLUTION NO. 28, 1997 - recognizes the anti-drug efforts by youths in Perry Township

SPECIAL RESOLUTION NO. 29, 1997 - recognizes Indianapolis Neighborhood Resources Center President Larry Gregerson

SPECIAL RESOLUTION NO. 30, 1997 - recognizes the Firefighters Survive Alive, Indianapolis Fire Department, Associated Builders and Contractors, Marion County Health Department's Safetyville, and Indianapolis Metropolitan Professional Firefighters Local 416

SPECIAL RESOLUTION NO. 31, 1997 - recognizes the National Day of Prayer

SPECIAL RESOLUTION NO. 32, 1997 - congratulates Castlevew Baptist Church upon its one hundredth anniversary

SPECIAL RESOLUTION NO. 33, 1997 - expresses Council appreciation for the diligent efforts of the Marion County Wellfield Protection Steering Committee

SPECIAL RESOLUTION NO. 34, 1997 - determines that the lease of office space at 155 East Market Street for the Marion County Superior Court, Probation Department, Adult Services Division, is necessary

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 28, 1997. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 343, 1997. The proposal, sponsored by Councillors Moores, Coughenour, and Williams concerns Municipal Government Week activities in Indianapolis. Councillor Coughenour read the proposal and Councillors Moores and Williams presented copies of the document and Council pins to representatives. Councillor Williams thanked all the government office holders and Councillors who participated as sponsors and Councillor Moores encouraged everyone to participate next year. Rigdzen Collins and Naphtali Faris, students participating in Municipal Government Day, thanked the sponsors for the unique learning experience. Councillor Coughenour moved, seconded by Councillor Williams, for adoption. Proposal No. 343, 1997 was adopted by a unanimous voice vote.

Proposal No. 343, 1997 was retitled SPECIAL RESOLUTION NO. 35, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 35, 1997

A SPECIAL RESOLUTION concerning Municipal Government Week activities in Indianapolis.

WHEREAS, the highlight of Municipal Government Week in Indianapolis was on May 13, 1997, when 150 Indianapolis Public Schools middle school students paired with volunteers from city and county government agencies to observe and learn firsthand the complexity and diversity of local government; and

WHEREAS, the young men and women spent the morning with judges, firefighters, animal control personnel, city legal professionals, parks staff, public works specialists and many other varied agencies of local government who make our city and county government work; and

May 19, 1997

WHEREAS, students were provided a hands-on educational experience that went far beyond the local government curriculum that is typically taught in schools, 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 commends all those who helped make our Municipal Government Week and program so successful.

SECTION 2. The Council specifically salutes all the city and county officials and staff who hosted students; sponsors Ameritech, Indianapolis Water Company, SerVaas, Inc., Indianapolis Power and Light, Indianapolis Star and News, and Indianapolis Parks Foundation, and most importantly, the participating students from IPS Key Renaissance Middle School

SECTION 3. The Council especially recognizes the City-County Council staff for going above and beyond the call of duty to make this event a resounding success; and a special thanks to the coordinator Ava Earles.

SECTION 4. The Council feels certain that the experience of these 150 students will result in yet another group of informed citizens who will be tomorrow's active community leaders.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 344, 1997. The proposal, sponsored by Councillors Shambaugh and Moriarty Adams, recognizes Dr. Patrick Michael Conneally. Councillor Moriarty Adams read the proposal and presented Dr. Conneally and his family with a copy of the document and Council pins. Councillor Shambaugh thanked Dr. Conneally for his efforts in research to find cures for genetic diseases such as Huntington's Disease. Councillor Moriarty Adams moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 344, 1997 was adopted by a unanimous voice vote.

Proposal No. 344, 1997 was retitled SPECIAL RESOLUTION NO. 36, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 36, 1997

A SPECIAL RESOLUTION recognizing Dr. Patrick Michael Conneally

WHEREAS, a native of Galway, Ireland, but a U.S. citizen since 1965, Dr. Patrick Michael Conneally has been with the Indiana University School of Medicine for over 30 years and is one of the world's foremost experts on human genetics; and

WHEREAS, Dr. Conneally's research involves the mapping of Mendelian and complex inherited diseases including the study of Huntington's and Alzheimer's diseases and the genetics of alcoholism, diabetes and manic depressive illnesses; and

WHEREAS, he was part of the team of scientists who in 1993 found the gene that causes the hereditary neurological disorder called Huntington's disease; and

WHEREAS, Dr. Conneally is a member of numerous national committees, has published hundreds of scientific articles, serves as an editor for five scientific journals and has been an important part of genetic research aimed at bettering the future for families afflicted by hereditary disease; 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 Distinguished Professor of Medical Genetics and Neurology at Indiana University School of Medicine, Dr. Patrick Michael Conneally for his dedicated lifetime of work and contributions in the field of genetics and inherited diseases.

SECTION 2. The professionalism, untiring efforts and the constant searching for elusive answers to complex medical questions by scientists like Dr. Conneally offer a beacon of light and hope for the many, many fellow human beings who otherwise face an uncertain future.

SECTION 3. The Council wishes Dr. Conneally and his colleagues the very best of success as they continue probing into the far corners of science

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. 345, 1997. The proposal, sponsored by Councillors Dowden and Talley, recognizes Deputy Chief Billy G. Romeril. Councillor Dowden read the proposal and presented a copy of the document and a Council pin to Deputy Chief Romeril. Councillor Talley and Sheriff Jack Cottey thanked Mr. Romeril for his service and wished him well. Deputy Chief Romeril introduced his family and stated that it has been an honor and privilege to serve the community. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 345, 1997 was adopted by a unanimous voice vote.

Proposal No. 345, 1997 was retitled SPECIAL RESOLUTION NO. 37, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 1997

A SPECIAL RESOLUTION recognizing Deputy Chief Billy G. Romeril.

WHEREAS, Billy G. Romeril, a Thomas Carr Howe High School graduate, started his career with the Marion County Sheriff's Department in November, 1963; and

WHEREAS, when he pinned on his badge for the first time he was continuing a legacy in law enforcement that continues today—his father retired after 37 years with the Indianapolis Police Department, two of his sons and their wives are Sheriff's deputies, his granddaughter is a dispatcher with the Sheriff's Department and a grandson is a Sheriff's Department Cadet; and

WHEREAS, during the past nearly three and one-half decades, Chief Romeril has commanded every division in the Sheriff's Department, has held every rank except sheriff—but was acting sheriff on numerous occasions, and has extensive experience in jail administration; and

WHEREAS, he is a graduate of the National FBI Academy, helped create the Sheriff's Explorer's Scout Unit, helped create the Sheriff's Reserves and during his third of a century of service served under eight Sheriffs; and

WHEREAS, Chief Romeril has received over 100 letters of commendation and appreciation, special awards from the "500" Race, the American Legion and from the Tenth Pan American Games, he is a member of numerous police and corrections professional organizations and belongs to the Masons, Scottish Rite, American Legion and Moose associations; 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 long time member of the Marion County Sheriff's Department, and Jail Commander, Deputy Chief Billy G. Romeril upon his retirement.

SECTION 2. Chief Romeril has been an outstanding public servant, has earned the loyalty and respect of those who served alongside him and his sound judgment reflects the highest credit upon himself and the Marion County Sheriff's Department.

SECTION 3. The Council hopes that his new challenge will afford him a little more time with his wife, Joni, their four sons and one daughter, and with his garden.

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

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

PROPOSAL NO. 346, 1997. The proposal, sponsored by Councillor Smith, recognizes 41-year IPD Veteran Lt. Paul Sherron. Councillor Smith read the proposal and presented a copy of the document and a Council pin to Lt. Sherron. IPD Chief Michael Zunk and Deputy Chief of the South District Tim Martin expressed their thanks for Lt. Sherron's service and their well-wishes for his future. Lt. Sherron thanked his wife Margaret for 50 years of support and thanked the Council and IPD for this honor. Councillor Smith moved, seconded by Councillor McClamroch, for adoption. Proposal No. 346, 1997 was adopted by a unanimous voice vote.

Proposal No. 346, 1997 was retitled SPECIAL RESOLUTION NO. 38, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 1997

A SPECIAL RESOLUTION recognizing 41-year IPD veteran Lt. Paul Sherron.

WHEREAS, a federal law says that 71-year-old IPD Lt. Paul Sherron must retire; and

WHEREAS, Sherron first put on his badge and the blue Indianapolis Police Department uniform 41 years ago in 1955, and proceeded to arrest a man for stealing a car battery during one of his very first patrols; and

WHEREAS, his niche was the city's streets, and when he was promoted to lieutenant in 1975 and became responsible for supervising other patrol officers, he made it a point to never become deskbound; and

WHEREAS, Lt. Sherron spent many decades in the city's Southside where one of his subordinates was a young Vietnam War veteran, patrolman--now Chief--Michael Zunk; and

WHEREAS, Lt. Sherron has been an exceptional role model in IPD's South District, he has maintained physical fitness by running and bench pressing, has always been a quiet and fair leader, is blessed with an even-tempered personality and has provided leadership by example both up and down the chain-of-command; 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 IPD Lt. Paul Sherron for his service to the law-abiding citizens of this city for over four decades.

SECTION 2. A Veteran of the "old school" of police work; his high character, moral values and experience will be missed.

SECTION 3. The Council wishes Lt. Sherron the best of health and happiness in his retirement.

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. 371, 1997. The proposal, sponsored by Councillor Moores, recognizes IPD-East Accident Investigator LaVerne Sanborn for receiving the Ruthann Popcheff Memorial Award for compassion to crime victims. Councillor Moores moved, seconded by Councillor Short, to postpone Proposal No. 371, 1997 until June 9, 1997. Proposal No. 371, 1997 was postponed by a unanimous voice vote.

PROPOSAL NO. 347, 1997. The proposal, sponsored by Councillor Tilford, recognizes the public service of Donald Riggins. Councillor Tilford read the proposal and presented a copy of the document and a Council pin to Ted Rhinehart, Director of Public Works, and Andy Sims, Administrator, who accepted the recognition on behalf of Mr. Riggins. Councillor Tilford moved, seconded by Councillor Coughenour, for adoption. Proposal No. 347, 1997 was adopted by a unanimous voice vote.

Proposal No. 347, 1997 was retitled SPECIAL RESOLUTION NO. 39, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 1997

A SPECIAL RESOLUTION recognizing the public service of Donald Riggins.

WHEREAS, thirty-seven years ago, on April 26, 1960, Donald Riggins joined the pre-UNIGOV Indianapolis city Solid Waste Division as a Refuse Collector; and

WHEREAS, day in and day out through the decades of the 1960's, 1970's, 1980's to June 1, 1997, Mr. Riggins worked in the Indianapolis Department of Public Works, being promoted to Truck Driver in 1969, District Supervisor in 1980, and in 1981 was promoted again to Superintendent of Solid Waste; and

WHEREAS, he is pleased and proud that his long career with DPW has allowed him to help bring professionalism to the Solid Waste Division to better serve the citizens of Indianapolis; 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 Superintendent of the Solid Waste Division Donald Riggins for his more than a third of a century of dedicated service to the people of Indianapolis.

SECTION 2. The Council wishes him well in his retirement.

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. 348, 1997. The proposal, sponsored by Councillor Bradford, concerns missing American servicemen. Councillor Bradford read the proposal and recognized all who had served in the armed forces. Major Steve Anderson presented a flag to be flown on Memorial Day in front of the City-County Building and thanked Councillor Bradford for his efforts in this recognition. Councillor Bradford moved, seconded by Councillor Dowden, for adoption. Proposal No. 348, 1997 was adopted by a unanimous voice vote.

Proposal No. 348, 1997 was retitled SPECIAL RESOLUTION NO. 40, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 1997

A SPECIAL RESOLUTION concerning missing American servicemen.

WHEREAS, an unfortunate aftermath of warfare is missing soldiers; and

WHEREAS, since the end of the Vietnam War in the 1970's there have been many reports of American prisoners of war in Southeast Asia, including recent photographs of Americans being held against their will; and

WHEREAS, five officers and eight enlisted men from Indianapolis are still listed as missing in action or prisoners of war in Southeast Asia; 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 expresses its deepest concern about the thirteen local citizens who are still listed as missing in action or prisoners of war from the Vietnam War, namely: William W. Bancroft, Jr., Ralph L. Harper, Steven W. Heitman, John W. Held, James R. Johnson, Grayland Jones, Bennie R. Lambton, James M. Lyon, Ralph E. Moore, Charles D. Schoonover, John F. Stuart, Junior L. Whittle and Jeffery J. Young.

SECTION 2. The Council asks the city to fly the POW-MIA Flag at the City-County Building on Memorial Day, Flag Day, the Fourth of July, Labor Day, National POW-MIA Day (the third Friday of September) and Veterans Day, as well as thirteen days after the Fourth of July, as a public reminder that these sons, as well as those from all wars, are not forgotten.

SECTION 3. The Council commends the Vietnam Veterans of America #295 and other veterans groups for their dedicated work.

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. 349, 1997. The proposal, sponsored by Councillor Hinkle, congratulates Ben Davis High School football coach Richard L. Dullaghan for being inducted into the Indiana Football Hall of Fame. Councillor Hinkle read the proposal and stated that a presentation would be made at a later date. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 349, 1997 was adopted by a unanimous voice vote.

Proposal No. 349, 1997 was retitled SPECIAL RESOLUTION NO. 41, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 1997

A SPECIAL RESOLUTION congratulating Ben Davis High School football coach Richard L. Dullaghan for being inducted into the Indiana Football Hall of Fame.

WHEREAS, Richard L. "Dick" Dullaghan takes football coaching seriously, and he is very good at the job; and

WHEREAS, he has been coaching for 31 years, has an enviable career record of 223 wins and 47 losses, is one of only two coaches to win the high school state championship five times and is the only coach of a team in Indiana history that was named the national champion high school football team; and

WHEREAS, Dick has coached National Football League notables Corey Harris, Mark Herman, Steve Bryant, Bart Burrell, Steven Holman, Mark Jackson and Cliff Benson, along with several standouts at Indiana University, Purdue and other colleges; and

WHEREAS, for the past 22 summers Dick has run the largest skills and development clinics in the nation which last year attracted 1,850 players and 160 coaches; and

WHEREAS, the Cathedral High School and Butler University graduate coached at Carmel High School before donning purple and white at Ben Davis in 1984; and

WHEREAS, now he has been recognized with the highest honor in the sport—induction into the Indiana Football Hall of Fame; 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 lifetime of achievement of Richard L. "Dick" Dullaghan, and congratulates him upon his admission into the Indiana Football Hall of Fame.

SECTION 2. The Council, and the people of Indianapolis, are proud of this outstanding coach and mentor of young minds, bodies and attitudes.

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. 350, 1997. The proposal, sponsored by Councillor Smith, recognizes the 170th anniversary of New Bethel Baptist Church in Franklin Township. Councillor Smith read the proposal and stated that a presentation would be made at a later date. Councillor Smith moved, seconded by Councillor Hinkle, for adoption. Proposal No. 350, 1997 was adopted by a unanimous voice vote.

Proposal No. 350, 1997 was retitled SPECIAL RESOLUTION NO. 42, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 1997

A SPECIAL RESOLUTION recognizing the 170th anniversary of New Bethel Baptist Church in Franklin Township.

WHEREAS, in 1827, future President Abraham Lincoln was a farm boy in Southern Indiana, the state capitol had just moved to Indianapolis, entrepreneur William Conner was operating a thriving trading post north of the city, and in Marion County's Franklin Township eight pioneers banded together to organize New Bethel Baptist Church; and

WHEREAS, a log church was built on land donated by Reuben Adams, which in turn was replaced in 1843 by a frame church, in 1869 by a brick house of worship, and in 1917 as America entered World War One the present brick building with Bedford stone trim and art glass windows was constructed; and

WHEREAS, Mrs. Velma Willsey Ruede has the good fortune to have been present at New Bethel's 100th Anniversary celebration in 1927, the 130th in 1957, the 150th in 1977, and now it's 170th Anniversary this year; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates New Bethel Baptist Church in Franklin Township for its 170 years of offering hope, praise, joy, sorrow and celebration.

SECTION 2. May the members and friends of New Bethel build upon this proud heritage to become a reenergized congregation eager to proclaim the Gospel and spread the Good News to unchurched neighbors and to generations yet to come.

SECTION 3. The Council extends its special congratulations to Mrs. Ruede, who is an inspiration to all who are fortunate enough to know her.

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. 807, 1996. Councillor O'Dell reported that the Municipal Corporations Committee heard Proposal No. 807, 1996 on May 1, 1997. The proposal reappoints Charles Cagann to the Indianapolis Public Transportation Corporation Board. Due to a lack of a quorum, no vote was taken on Proposal No. 807, 1996 in Committee. Councillor O'Dell stated that Mr. Cagann had appeared before the Committee and moved for the adoption of Proposal No. 807, 1996. Councillor McClamroch seconded the motion, and Proposal No. 807, 1996 was adopted by a unanimous voice vote.

Proposal No. 807, 1996 was retitled COUNCIL RESOLUTION NO. 48, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 1997

A COUNCIL RESOLUTION reappoints Charles Cagann to the Indianapolis Public Transportation Corporation Board.

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

SECTION 1. As a member of the Indianapolis Public Transportation Corporation Board, the Council appoints:

Charles Cagann

SECTION 2. The appointment made by this resolution is for a term ending August 5, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 170, 1997. The proposal, sponsored by Councillor McClamroch, appoints Carolyn Grant to the Indianapolis City-Market Corporation Board. Councillor McClamroch stated that two appointment proposals had been submitted for one position and moved to strike Proposal No. 170, 1997. Proposal No. 170, 1997 was stricken by a unanimous voice vote.

PROPOSAL NO. 271, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 271, 1997 on May 7, 1997. The proposal approves the Mayor's appointment of Dr. Alan E. Handt as Director of the Department of Public Safety. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer asked if Mr. Handt is a resident of Marion County. Mr. Handt stated that he does not live within the county limits presently, but that he will relocate within Marion County within six months.

Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 271, 1997 was adopted by a unanimous voice vote.

Proposal No. 271, 1997 was retitled COUNCIL RESOLUTION NO. 49, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 1997

A COUNCIL RESOLUTION approving the Mayor's appointment of Dr. Alan E. Handt as Director of the Department of Public Safety for a term ending December 31, 1997.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Dr. Alan E. Handt to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 1997; now, therefore:

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

SECTION 1. Dr. Alan E. Handt is approved and confirmed by the City-County Council to serve as Director of the Department of Public Safety at the pleasure of the Mayor for a term ending December 31, 1997.

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

PROPOSAL NO. 284, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 284, 1997 on May 7, 1997. The proposal, sponsored by Councillors McClamroch and Dowden reappoints Ann Curry to the Animal Control Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Dowden, for adoption. Proposal No. 284, 1997 was adopted by a voice vote. Councillor Curry stated that he will abstain due to a conflict of interest.

Proposal No. 284, 1997 was retitled COUNCIL RESOLUTION NO. 50, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 1997

A COUNCIL RESOLUTION reappoints Ann Curry to the Animal Control Board

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

SECTION 1. As a member of the Animal Control Board, the Council appoints:

Ann Curry

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1997. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 372, 1997. The proposal, sponsored by Councillor McClamroch, appoints John G. McNatt to the Common Construction Wage Committee for the City of Lawrence. Councillor McClamroch moved, seconded by Councillor Coonrod, for adoption. Proposal No. 372, 1997 was adopted by a unanimous voice vote.

Proposal No. 372, 1997 was retitled COUNCIL RESOLUTION NO. 51, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 1997

A COUNCIL RESOLUTION appointing John G. McNatt to the Common Construction Wage Committee for the City of Lawrence.

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

SECTION 1. As a member of the Common Construction Wage Committee approved by the City of Lawrence, the Council appoints:

John G. McNatt

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 305, 1997. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code concerning benefit leave"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 306, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints James Bradford to the Urban Enterprise Association"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 307, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides that the executive director of the Indianapolis Housing Agency serve at the pleasure of the mayor"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 308, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the disbursement of \$336,000 of the Community Development Block Grant Funds for the UNWA (United Northwest Area) Seven Initiatives Plan, Phase I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 309, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves an increase of \$1,002,303 in the 1997 Budget of the Department of Parks and Recreation (Park General Fund) to re-establish originally budgeted amounts, to cover the operation costs for the pools at Gustafson and Broad Ripple Parks, and to purchase and maintain ranger vehicles financed by a transfer of \$150,000 between characters and \$852,303 from the fund balance"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 310, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which designates two of Indianapolis' most

difficult crime problem areas as public safety improvement zones and eligible for future grant considerations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 311, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$98,872 in the 1997 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for participation in nation-wide Anti-Gang Initiative and overall anti-gang strategy on community interdiction financed by a Department of Justice grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 312, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,032,967 in the 1997 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) for a Local Law Enforcement Block Grant Program financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 313, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$67,804 in the 1997 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for directed patrol projects in various communities financed by a Department of Justice grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 314, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$552,363 in the 1997 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for a comprehensive multi-agency program to coordinate the delivery of criminal justice social services to the Near Westside communities financed by a Department of Justice grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 315, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$52,000 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to pay the expenses of marketing, education, and training for Wishard and St. Vincent Centers of Hope funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 316, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$31,503 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to contract for the running of the Children's Haven Waiting Room funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 317, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$44,000 in the 1997 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to renew the Weed and Seed program funded by a grant from the Indiana Criminal Justice Institute through the Indianapolis Police Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 318, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$498,889 in the 1997 Budget of the County Auditor, County Sheriff, Prosecuting Attorney, and Marion County Superior Court (State and Federal Grants Fund) to fund activities related to the Federal Law Enforcement Block Grant through the Indianapolis Police Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 319, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$350,603 increasing the 1997 Budgets of the Auditor and Sheriff (County General Fund) and decreasing the 1997 Budget of the Community Corrections Agency (County General Fund) to pay personnel costs of incarcerated prisoners"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 320, 1997. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes procedures for adoption of rules and regulations and requiring the codification of all rules and regulations"; and the President referred it to the Regulatory Research and Review Committee.

PROPOSAL NO. 321, 1997. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Ted Rhinehart as Director of the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 322, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Dennis M. Neidigh as Director of the Department of Capital Asset Management"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 323, 1997. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Bluff Road and Sumner Avenue (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 324, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at University Avenue (formerly Agnes Street) and Vermont Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 325, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at University Avenue (formerly Agnes Street) and North Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 326, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at New York Street and Blake Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 327, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Woodland Place Subdivision, Section 1 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 328, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Bretton Woods Subdivision, Section 3 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 329, 1997. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Cherry Tree Estates Subdivision, Sections 1, 2, and 3 (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 330, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Kessler Common Subdivision, Sections 1 and 2 (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 331, 1997. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Park East Industrial Park, Sections 1, 2, and 3 (District 5)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 332, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Country Club Estates (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 333, 1997. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Brisbane Road and Melbourne Road (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 334, 1997. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 42nd Street and Kitley Avenue (District 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 335, 1997. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 27th Street and Rader Street (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 336, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Broadway

Street and 15th Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 337, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Prospect Street near Vandeman Street (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 338, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the deletion of parking restrictions on Alabama Street, on the west side, from Court Street to Washington Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 339, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking meters and the addition of no parking signs surrounding the federal buildings downtown (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 340, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the lowering of the speed limit on Allisonville Road from 82nd Street to 86th Street (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 341, 1997. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$44,300 in the 1997 Budget of the Cable Communication Agency (Consolidated County Fund) to pay for the acquisition of capital equipment financed by a Public Education Grant from the Cable Franchise Board"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 342, 1997. Introduced by Councillors Borst and Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves the establishment of a Sports Development Area as determined by the Metropolitan Development Commission"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 355, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints David Stirsmen to the Indianapolis Public Transportation Corporation Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 356, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Fred G. Johnston, Jr. to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 357, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Judy Seubert to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 358, 1997. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Carrollton

Avenue and 57th Street, Carrollton Avenue and 58th Street, and Carrollton Avenue and 59th Street (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 359, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$700 in the 1997 Budget of the County Coroner (County General Fund) to pay the cost of technology wiring out of the proper character"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 360, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves and increase of \$107,531 in the 1997 Budgets of the County Auditor and County Coroner (County General Fund) to cover shortfall in personal services and other services and charges as well as provide funding for emergency technology upgrade of the Coroner's Office financed by fund balances"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 351, 1997. Councillor Borst reported that the Economic Development Committee heard Proposal No. 351, 1997 on May 15, 1997. The proposal authorizes the issuance of economic development revenue bonds in an amount not to exceed \$2,400,000 to proceed with the construction and acquisition of machinery, equipment, and other fixtures to be used in the manufacturing of aluminum sulfate and marketing of various other water treatment chemicals and chemical storage systems to be located at 1600 South Senate Avenue (GenAI, LLC Project) (District 25). 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 Massie, for adoption. Proposal No. 351, 1997 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, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Golc, Moriarty Adams

Proposal No. 351, 1997 was retitled SPECIAL ORDINANCE NO. 6, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its \$2,400,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1997 (GenAI, LLC Project), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership, individual or other user of economic development facilities 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 GenAl, LLC, an Indiana limited liability company (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, construction and equipping of an alum manufacturing facility to be located at 1600 S. Senate Street, Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, construction and equipping of the Project by issuing its \$2,400,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1997 (GenAl, LLC Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development commission, after a public hearing conducted on May 14, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Second 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the 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 Series 1997 Bonds pursuant to a Trust Indenture (the "Indenture") dated as of June 1, 1997 by and between the Issuer and Star Bank, National Association, 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 June 1, 1997 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, premium, if any, 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, Bond Purchase Agreement, Tax Regulatory Agreement, Preliminary Offering Circular, 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 costs 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 4,1 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 \$2,400,000 for the purpose of procuring funds to loan to the Company in order to finance or provide

reimbursement for a portion of the costs of the Project which Bonds will be payable as to principal, premium, if any, and interest solely from the payment 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 ASEC 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 offering Circular 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 Offering Circular is hereby authorized to certify to Seasongood & Mayer (the "Underwriter") that the information in the Preliminary Offering Circular with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Offering Circular.

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 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest determined as set forth in the Indenture. The use of a Final Offering Circular substantially the same form as the Preliminary Offering Circular approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and city Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the issuer. The signature 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 signature of the Mayor and the City clerk on the Bonds may be facsimile signature. The City Clerk and City Controller are authorized to arrange for 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 signature and imprinting of the facsimile signature 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-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. 352, 1997. Councillor Borst reported that the Economic Development Committee heard Proposal No. 352, 1997 on May 15, 1997. The proposal authorizes the issuance of economic development revenue bonds in an amount not to exceed \$1,700,000 to enable Fall Creek Retail Center, Inc. to proceed with the acquisition, rehabilitation, and equipping of a 26,500 square foot enterprise community retail center to be located at 2500 North Capitol Avenue (Fall Creek Retail Center, Inc. Project) (District 22). 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. 352, 1997 was adopted on the following roll call vote; viz:

29 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, Williams*

0 NAYS:

Proposal No. 352, 1997 was retitled SPECIAL ORDINANCE NO. 7, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Adjustable Rate Demand Economic Development Revenue Bonds, Series 1997 (Fall Creek Retail Center, Inc. Project), in the aggregate principal amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declare that the financing and refinancing of economic development facilities constitutes a public purpose; and

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

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

WHEREAS, a representative of Fall Creek Retail Center, 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 finance the costs of the acquisition and construction of a 26,500 square foot enterprise community retail center, to be located at 2500 N. Capitol Avenue, in the City of Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, construction and equipping of the Project by issuing its City of Indianapolis, Indiana Adjustable Rate Demand Economic Development Revenue Bonds, Series 1997 (Fall Creek Retail Center, Inc. Project), in the aggregate principal amount not to exceed One Million Six Hundred Dollars (\$1,600,000) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on April 16, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the City-County Council has at this meeting conducted a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of June 1, 1997 between the Issuer and The Huntington National Bank of Indiana, or other trustee selected by the Company (the "Trustee"), as trustee and to loan the proceeds of the Bonds to the Company pursuant to a Loan Agreement dated as of June 1, 1997 between the Issuer and the Company (the "Loan Agreement") for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Indenture and the Loan Agreement provide for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments

sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Indianapolis Economic Development Commission has found that the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final form of the Indenture; the Loan Agreement; the form of the Bonds; the Remarketing Agreement, dated as of June 1, 1997 among the Issuer, the Company and Huntington Capital Corp., as remarketing agent; the Bond Placement Agreement among the Issuer, the Company and The Huntington National Bank, as letter of credit bank and as Placement Agent; and the Preliminary Private Placement Memorandum of the Issuer (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 Series 1997 Bonds in the total principal amount not to exceed \$1,600,000 and maturing no later than June 1, 2017. Said Bonds are to be issued for the purpose of procuring funds to pay the costs of the acquisition, construction and equipping of the Project as more particularly set out in the Indenture and Loan Agreement, incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Company under the Loan Agreement or as otherwise provided in the above described Indenture. The Bonds shall be issued in fully registered form in the denominations of \$100,000 and \$5,000 increments in excess thereof and shall be redeemable as provided in Article IV of the Indenture. Payments of principal and interest are payable in lawful money of the United States of America by check or draft mailed or delivered to the registered owners as provided in the Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Indianapolis, Indiana, nor are the Bonds payable in any manner from revenues raised by taxation.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the original purchasers thereof at a price not less than 100% of the aggregate principal amount thereof. The Placement Agent, The Huntington National Bank, shall be entitled to a placement fee not to exceed .015625% of the principal amount of the Bonds. The Bonds shall bear interest at the rate per annum established pursuant to Section 2.03 of the Trust Indenture, provided that the interest rate on the Bonds shall not exceed 12% per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary to desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the original purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The Huntington National Bank, the original purchaser of the Bonds, is hereby authorized to distribute the Preliminary Private Placement Memorandum in connection with the marketing of the Bonds.

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. 353, 1997. Councillor Borst reported that the Economic Development Committee heard Proposal No. 353, 1997 on May 15, 1997. The proposal authorizes the issuance of economic development revenue bonds in an amount not to exceed \$5,000,000 to enable Summit Place West, Inc. to proceed with the construction and equipping of a 60-unit assisted living facility to be located at 6418 Rockville Road (Summit Place West, Inc. Project) (District 18). By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 353, 1997 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, Tilford, Williams

0 NAYS:

1 NOT VOTING: Talley

Proposal No. 353, 1997 was retitled SPECIAL ORDINANCE NO. 8, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its \$4,750,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1997 (Summit Place West, 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 Summit Place West, 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 undertake and complete the construction and equipping of a 60-unit assisted living facility to be located at 6418 Rockville Road, Indianapolis, Indiana (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 construction and equipping of the Project by issuing its \$4,750,000 City of Indianapolis,

Indiana Economic Development Revenue Bonds, Series 1997 (Summit Place West, Inc. Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on May 14, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the 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 Series 1997 Bonds pursuant to a Trust Indenture (the "Indenture") dated as of May 1, 1997 by and between the Issuer and First of America Bank-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, 1997, 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, Bond Placement Agreement from First of America Brokerage Services, Inc. (the "Placement Agent") to the Issuer and the Company, Preliminary Private Placement Memorandum and 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 \$4,750,000 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. 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. 354, 1997. Councillor Borst reported that the Economic Development Committee heard Proposal No. 354, 1997 on May 15, 1997. The proposal amends S.R. 70, 1996, by extending the expiration date for Killion Corporation or Thomas W. Killion, individually, through November 30, 1997, to be located at 7901 West 21st Street (Killion Corporation Project) (District 18). 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 Cockrum, for adoption. Proposal No. 354, 1997 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, Tilford, Williams

0 NAYS:

1 NOT VOTING: Talley

Proposal No. 354, 1997 was retitled SPECIAL RESOLUTION NO. 43, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 1997

A SPECIAL RESOLUTION amending City-County Special Resolution No. 70, 1996, 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 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; and

WHEREAS, City-County Special Resolution No. 70, 1996 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 Killion Corporation (the "Company") which resolution set an expiration date of May 31, 1997 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Resolution is hereby amended by deleting the expiration date of May 31, 1997, contained therein and replacing said date with the date of November 30, 1997.

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

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

PROPOSAL NOS. 361-370, 1997. Introduced by Councillor Hinkle. Proposal Nos. 361-370, 1997 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 15, 1997. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 86-95, 1997, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 86, 1997.
97-Z-68 (AMENDED)
4502 SOUTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24
PAUL AND MARY CALDWELL, by David Retherford, request a rezoning of 8.22 acres, being in the D-A District, to the C-S classification to provide for mini-warehouses, and all C-1 uses.

REZONING ORDINANCE NO. 87, 1997.
97-Z-38
4601-4603 SOUTH EMERSON ROAD (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
GEENEN DEKOCK PROPERTIES, L.L.C. requests a rezoning of 0.9701acre, being in the D-4 District, to the C-4 classification to provide for commercial development including automobile repair.

REZONING ORDINANCE NO. 88, 1997.

97-Z-69

8818-8826 SOUTH SHELBY STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

DR. ELMER P. MANALO, by Thomas Michael Quinn, requests a rezoning of 6 acres, being in the D-A District, to the C-I classification to provide for commercial office development.

REZONING ORDINANCE NO. 89, 1997.

97-Z-70

4749 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 14.294 acres, being in the C-S District, to the C-6 classification to provide for thoroughfare service commercial development.

REZONING ORDINANCE NO. 90, 1997.

97-Z-71

7701 OAKLANDON ROAD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

FOREST J. & PATRICIA L. STONE request a rezoning of 3 acres, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 91, 1997.

97-Z-74

1055 NORTH GIRLS SCHOOL ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

HOPE BAPTIST CHURCH, by Louis H. Borgmann, requests a rezoning of 12.849 acres, being in the C-3, C-I, and D-A Districts, to the SU-1 classification to provide for religious use associated with the existing church and school.

REZONING ORDINANCE NO. 92, 1997.

97-Z-76

1927 EAST 32nd STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 11

UNIVERSAL CHURCH OF TRUTH, requests a rezoning of 1.02 acres, being in the D-5 District, to the SU-I classification to provide for religious use.

REZONING ORDINANCE NO. 93, 1997.

97-Z-77

826 EAST SUMNER AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

UCR, INC., by Stephen D. Mears, requests a rezoning of 3.69 acres, being in the C-7 District, to the I-3-U classification to provide for medium-intensity industrial uses.

REZONING ORDINANCE NO. 94, 1997.

97-Z-80

2502, 2546, 2610, 2612 NORTH CAPITOL AVENUE; 206 WEST 25th STREET and 204, 223 WEST 26th STREET (Approx. Addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

NEAR NORTH DEVELOPMENT CORPORATION requests a rezoning of 2.5 acres, being in the C-I and D-8 Districts, to the C-3 classification to provide for a commercial neighborhood retail center.

REZONING ORDINANCE NO. 95, 1997.

97-CP-13Z

3429 EAST PROSPECT STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #21

BETHANY MISSIONARY BAPTIST CHURCH requests a rezoning of 1.0 acre, being in the C-4 and D-5 Districts, to the SU-I classification to provide for a church.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 217-220, 1997 on April 16, 1997. Councillor Dowden asked for consent to vote on Proposal Nos. 217 and 218, 1997 together. Consent was given.

PROPOSAL NO. 217, 1997. The proposal approves an increase of \$30,537 in the County Sheriff's 1997 Budget (County General Fund) to purchase security equipment financed by prior year's underspending. PROPOSAL NO. 218, 1997. The proposal approves an increase of \$60,000 in the County Sheriff's 1997 Budget (County General Fund) to hire two deputies for security in the basement of the City-County Building funded by a contract with the Marion County Superior Court. By majority votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Curry asked where the reduction is reflected in the 1997 budget if this funding comes from underspending. William Lantz III, Deputy Auditor, stated that the underspending from 1996 is being used and there is no decrease in the 1997 budget.

The President called for public testimony at 8:41 p.m. There being no one present to testify Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 217 and 218, 1997 were 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, Tilford, Williams
0 NAYS:
2 NOT VOTING: Black, Talley

Proposal No. 217, 1997 was retitled FISCAL ORDINANCE NO. 35, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Thirty Thousand Five Hundred Thirty-seven Dollars (\$30,537) 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 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase security equipment.

SECTION 2. The sum of Thirty Thousand Five Hundred Thirty-seven Dollars (\$30,537) 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>
1. Capital Outlay	<u>30,537</u>
TOTAL INCREASE	30,537

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>30,537</u>
TOTAL REDUCTION	30,537

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

Proposal No. 218, 1997 was retitled FISCAL ORDINANCE NO. 36, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Sixty Thousand Dollars (\$60,000) in the County General Fund for purposes of the County Auditor and 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(b,y) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff) to hire two deputies for security in the basement of the City-County Building

SECTION 2. The sum of additional 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>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - Fringes	12,000
 <u>COUNTY SHERIFF</u>	
1. Personal Services	<u>48,000</u>
TOTAL INCREASE	60,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>60,000</u>
TOTAL REDUCTION	60,000

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

PROPOSAL NO. 219, 1997. The proposal approves an increase of \$4,000,000 in the Marion County Superior Court, Juvenile Division's 1997 Budget (County Construction Fund) to acquire an alternative school funded by a grant from Lilly Endowment. Councillor Dowden moved, seconded by Councillor Borst to postpone Proposal No. 219, 1997 until June 9, 1997. Proposal No. 219, 1997 was postponed by a unanimous voice vote.

PROPOSAL NO. 220, 1997. The proposal approves an increase of \$2,000 in the Marion County Superior Court, Juvenile Division's 1997 Budget (State and Federal Grants Fund) to fund HIV

prevention education activities for the Juvenile Detention Center funded by a grant from the Indiana Department of Education. 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 8:44 p.m. There being no one present to testify Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 220, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 220, 1997 was retitled FISCAL ORDINANCE NO. 37, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Two Thousand Dollars (\$2,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.02 (cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court Juvenile Division to fund HIV prevention education activities.

SECTION 2. The sum of Two Thousand Dollars (\$2,000) 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>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>2,000</u>
TOTAL INCREASE	2,000

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>2,000</u>
TOTAL REDUCTION	2,000

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 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. 225, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 225, 1997 on April 29, 1997. The proposal approves an increase

of \$4,650,000 from the Consolidated County Fund to the United Airlines Inc. Debt Service Fund as part of the "Plan 2000" funding program. By a 6-0 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 8:46 p.m. There being no one present to testify Councillor Curry moved, seconded by Councillor McClamroch, for adoption. Proposal No. 225, 1997, 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, Tilford, Williams
 0 NAYS:
 1 NOT VOTING: Talley

Proposal No. 225, 1997, as amended, was retitled FISCAL ORDINANCE NO. 38, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1997

A FISCAL ORDINANCE amending the Revenue Serviced Debt Fund's Budget for 1997 (City-County Fiscal Ordinance No. 91, 1996) and appropriating an additional Four Million Six Hundred Fifty Thousand Dollars (\$4,650,000) in the Consolidated County Fund by reducing the unappropriated and unencumbered balance.

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

SECTION 1. To provide for a change in the source of funding the necessity for which has arisen since the adoption of the annual budget, Section 2 (f) of the Revenue Bond Serviced Debt Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the City of Indianapolis as shown in Section 3.

SECTION 2. The sum of Four Million Six Hundred Fifty Thousand Dollars (\$4,650,000) be, and the same is hereby, transferred from the Consolidated County Fund for the purposes as shown in Section 3 and appropriated by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following transfer and additional appropriation is hereby approved:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY
 ESTIMATE OF MISCELLANEOUS REVENUE
 FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES
 UNITED AIRLINES, INC. DEBT SERVICE FUND
 FOR THE PERIOD ENDING DECEMBER 31, 1996 AND DECEMBER 31, 1997

<u>ESTIMATED AMOUNTS TO BE RECEIVED</u>	July 01, 1996 through Dec. 31, 1996		Jan. 01, 1997 through Dec. 31, 1997	
	All Other Revenue			
COIT	1,000,000	(1,000,000)	-0-	2,250,000
<u>Consolidated County Fund</u>		-0-	4,650,000	
Tax Increment		1,500,000	1,300,000	
Miscellaneous		1,250,000	180,327	
Total	3,750,504	1,750,504	6,130,327	3,730,327

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	4,650,000
TOTAL REDUCTION	4,650,000

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 272-274, 1997 on May 7, 1997.

PROPOSAL NO. 272, 1997. The proposal approves an increase of \$54,500 in the 1997 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to renew the Regional Gang Interdiction Program in coordination with Johnson County funded by a grant from the Indiana Criminal Justice Institute. By a 6-0 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 8:48 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 272, 1997, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 272, 1997, as amended, was retitled FISCAL ORDINANCE NO. 39, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Fifty-four Thousand Five Hundred Dollars (\$54,500) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to renew the Regional Gang Interdiction Program in coordination with Johnson County.

SECTION 2. The sum of Fifty-four Thousand Five Hundred Dollars (\$54,500) 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>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	10,900
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>43,600</u>
TOTAL INCREASE	54,500

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>54,500</u>
TOTAL REDUCTION	54,500

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. 273, 1997. The proposal approves an increase of \$445,140 in the 1997 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities funded by a grant from the Indiana Criminal Justice Institute. 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 8:49 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 273, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 273, 1997 was retitled FISCAL ORDINANCE NO. 40, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Four hundred Forty-five Thousand One Hundred Forty Dollars (\$445,140) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,bb) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and

Marion County Justice Agency to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities.

SECTION 2. The sum of additional Four hundred Forty-five Thousand One Hundred Forty Dollars (\$445,140) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	45,930
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	200,381
3. Other Services and Charges	<u>198,829</u>
TOTAL INCREASE	445,140

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>445,140</u>
TOTAL REDUCTION	445,140

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. 274, 1997. The proposal approves an increase of \$15,514 in the 1997 Budget of the Community Corrections Agency (Home Detention User Fee Fund) to cover changes in staffing and compensation levels financed by fund balances. 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 8:51 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 274, 1997 was adopted on the following roll call vote; viz:

27 YEAS: *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*
 0 NAYS:
 2 NOT VOTING: *Black, Borst*

Proposal No. 274, 1997 was retitled FISCAL ORDINANCE NO. 41, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Fifteen Thousand Five Hundred Fourteen Dollars (\$15,514) in the Home Detention User Fee Fund for purposes of the Community Corrections Agency and the County Auditor and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Community Corrections Agency and the County Auditor to fund changes in staffing and compensation levels.

SECTION 2. The sum of Fifteen Thousand Five Hundred Fourteen Dollars (\$15,514) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services - Fringes	2,183
<u>COMMUNITY CORRECTIONS AGENCY</u>	
1. Personal Services	<u>13,331</u>
TOTAL INCREASE	15,514

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>15,514</u>
TOTAL REDUCTION	15,514

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

PROPOSAL NO. 279, 1997. Councillor O'Dell reported that Proposal No. 279, 1997 has not yet been heard by the Municipal Corporations Committee. The proposal approves (or rejects) the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library. Councillor O'Dell stated that this proposal was placed on the agenda as a formality for public testimony and that no action is to be taken tonight.

The President called for public testimony at 8:55 p.m. There was no one present to testify.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 211, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 211, 1997 on May 5, 1997. The proposal amends the Wellfield Protection Zoning Ordinance by replacing the special exception procedure with a development plan review process (97-AO-10). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Hinkle stated that additional revisions had been made since the May 5th Committee meeting and moved, seconded by Councillor Boyd, the following amendments to Proposal No. 211, 1997:

Mr. President:

I move that Proposal No. 211, 1997 be amended as follows:

- (1) In Sec. 1.00 A. 1. And B. 1., Sec. 2.01 F. 4., and in Sec. 3.00 B. insert the underlined text and delete the stricken-through text to read as follows:

Sec. 1.00. Establishment of districts

A. *Studies and evaluations of the W-1 and W-5 districts.*

1. On or before April 2, 1998, the Department of Public Works, Environmental Resources Management Division ("ERMD"), and the Department of Metropolitan Development ("DMD") shall revise the boundaries on the W-1 and W-5 Districts' Maps to conform to property boundaries and city streets.

B. *Reports.*

1. The ~~Commission~~ ERMD shall provide progress reports on the studies and evaluations as required in Section 1.00 A to the Chairman of the Metropolitan Development Committee of the City-County Council and to the Commission, the first of which reports shall be within thirty (30) days of the initiation of the study provided for in Section 1.00 A 2, and thereafter such reports shall be provided on a quarterly basis.

Sec. 2.01. Wellfield protection district regulations.

F. *Staff approval.*

4. *Public information.* The decision of the technically qualified person to approve or disapprove a site and development plan and the file on which the decision is based are public records and are available for examination by any person. The Department of Metropolitan Development shall, within 2 business days of the decision, send by fax a summary of the decision (including the docket number of the case, the address, a summary of the request, any waivers granted, and a summary of the action taken by the technically qualified person) to:

Sec. 3.00. Groundwater protection.

B. *Groundwater Protection Fee.*

Each public water supply system that pumps groundwater from one or more wells located within a W-1 or W-5 District shall pay into the Groundwater Protection Fund a percentage of the annual fee assessed by the Commission, such percentage to be determined by dividing the number of customers served by the water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one or more wells within a W-1 or W-5 District. The annual fee assessed by the Commission for any calendar year shall be based on the Commission's ~~proposed~~ approved budget for the specific activities identified in Section C below, but shall not exceed Two Hundred Thousand Dollars (\$200,000). Within thirty (30) days following the approval of the Commission's budget for the specific activities described in Section C below during the following year, the Commission shall notify the public water supply systems that pump groundwater from one or more wells located within a W-1 or W-5 District as to the amount of the annual fee to be assessed all such systems for the following year. Each public water supply system subject to this Ordinance that pumps groundwater from one or more wells within a W-1 or W-5 District shall report, in writing, to the Commission on or before January 31 of each year, the number of customers served at the end of the prior calendar year. On or before March 1 of each year, the Commission shall determine the amount of the annual fee to be assessed and notify each of the water supply systems that pumps groundwater from one or more wells within a W-1 or W-5 District as to the portion of such annual fee to be paid by

such public water supply system. The public water supply system shall pay the full amount of its portion of the annual fee assessed by the Commission on or before ~~April~~ March 15 of each year.

(2) In Sec. 2.03 B. delete definitions 3, 15, and 16.

The amended version was accepted by a unanimous voice vote. Due to additional amendments, the President called for public testimony.

Mary Walker, Butler Tarkington Neighborhood Association, stated that these additional amendments had been made without the input of the Wellfield Protection Steering Committee (WPSC) or the public. She added that several issues had been addressed in the previous amendment and that the new amendments should have been available to the public for more thorough examination and input.

David Davis, Vice President of the Nora Northside Community Council, stated that he is opposed to the voluntary compliance aspect of the proposal and that he believes Health and Hospital Corporation should have veto power.

Councillor Smith stated that several issues still need to be ironed out, but that passage of this proposal is a good starting point.

Councillor Hinkle moved, seconded by Councillor Smith, for adoption.

Councillor Williams agreed that this proposal is only a beginning to the discussions that need to take place regarding Wellfield protection.

Proposal No. 211, 1997, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 211, 1997, as amended, was retitled GENERAL ORDINANCE NO. 76, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 1997

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 97-AO-10

THE WELLFIELD PROTECTION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wellfield Protection Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the

City of Indianapolis and of Marion County, Indiana, ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the safety and potability of the community's ground water supply requires that lands near wellfields used to supply water for public purposes be subject to land use controls designed to prevent site development that is injurious to the public water supply; and,

WHEREAS, the Comprehensive Plan for Marion County, adopted by the Metropolitan Development Commission, recommends establishing wellfield protection programs for all public wellfield areas in Marion County, and it specifically recommends regulating certain potentially hazardous land uses near such wellfield areas; and,

WHEREAS, local water utilities, anticipating the Indiana Department of Environmental Management mandates for Public Water Supply Systems, are presently establishing wellfield protection programs as a first step towards protecting their public wellfields; and,

WHEREAS, dependency on groundwater is increasing (the City of Lawrence and Ft. Harrison are totally dependent on ground water; the Town of Speedway gets much of its water from ground water sources; and, the Indianapolis Water Company estimates that by the year 2000, 18% of its water supply will come from ground water, up from an estimated 9% in 1993); and,

WHEREAS, future development in Marion County is dependent on the availability of ground water; now, therefore:

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

SECTION 1. The Wellfield Protection Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Numbers 95-AO-6, 95-AO-13A, 95-AO-13B, 96-AO-6 and 97-AO-1), be amended to read as follows:

CHAPTER I

Sec. 1.00. Establishment of districts

The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the Wellfield Protection Zoning Districts Maps, which maps are attached hereto, incorporated herein by reference and made part of this ordinance.

<i>Wellfield Protection Zoning Districts</i>	<i>Zoning District Symbols</i>
One Year Time-of-Travel Protection Area (secondary)	W-1
Five Year Time-of-Travel Protection Area (secondary)	W-5

A. *Studies and evaluations of the W-1 and W-5 districts.*

1. On or before April 2, 1998, the Department of Public Works, Environmental Resources Management Division ("ERMD") and the Department of Metropolitan Development ("DMD") shall revise the boundaries on the W-1 and W-5 Districts' Maps to conform to property boundaries and city streets.
2. The W-1 and W-5 districts shall be reevaluated by ERMD, with input from a committee including representatives from ERMD, DMD, Health and Hospital Corporation of Marion County, Indiana, and applicable water utilities, no less frequently than every five years to

determine scientific reasonableness of the districts' maps. The first of these reevaluations shall be completed by ERMD on or before December 31, 1998.

B. *Reports.*

1. The ERMD shall provide progress reports on the studies and evaluations as required in Section 1.00 A to the Chairman of the Metropolitan Development Committee of the City-County Council and to the Commission, the first of which reports shall be within thirty (30) days of the initiation of the study provided for in Section 1.00 A 2, and thereafter such reports shall be provided on a quarterly basis.
2. Every water utility having a wellfield within a W-1 or W-5 District shall on or before January 15, 1998, prepare and file with the Chairman of the Metropolitan Development Committee of the City-County Council, the Commission and the Health and Hospital Corporation of Marion County the water utility's water quality monitoring plan for that year, including therein a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. Any amendment to such plan by a water utility shall be filed within thirty (30) days of that amendment with the Chairman of the Metropolitan Development Committee of the City-County Council, the Commission, and the Health and Hospital Corporation of Marion County.

CHAPTER II

Sec. 2.00 General regulations.

The following regulations shall apply to all land within the Wellfield Protection Zoning Districts. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

A. *Applicability of regulations.*

The following regulations shall apply to all land within the Wellfield Protection Zoning Districts, with the exceptions of single and multi-family residential land uses. After the effective date of this ordinance:

No building, structure, premises or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and development plan has been filed with and approved on behalf of the Metropolitan Development Commission by a technically qualified person. Said request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of the Improvement Location Permit Ordinance (68-AO-11, as amended) and shall contain the information specified in Section 2.01, C, a-l.

B. *Development plans required.*

1. In the W-1 district or the W-5 district a site and development plan is required to be filed with and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the Division of Neighborhood Services for any of the land uses listed in Section 2.00, B, 2. when an improvement location permit is required. However, those listed land uses in the W-1 district that, in their ordinary course of business, have less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids in the aggregate and those land uses in the W-5 district that, in their ordinary course of business, have less than the threshold amount of one hundred (100) gallons of liquids in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate on site are excluded from this site and development plan requirement.

In determining thresholds, the following substances shall be exempted:

- a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility.
- b. Liquids required for normal operation of a motor vehicle in use in that vehicle.

- c. Substances contained within vehicles for bulk deliveries to the site.
 - d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments.
 - e. Uncontaminated public water supply water, ground water and/or surface water.
 - f. Substances, which are packaged in pre-sealed containers, sold at retail establishments.
 - g. Substances utilized for the production and treatment of public water supply.
 - h. Substances, which because of their inherent properties are determined from time-to-time by the technically qualified person to pose no significant threat to ground water.
2. Land uses requiring a site and development plan approval. (Development associated with the land uses listed below, but used exclusively for offices, does not require a site and development plan.)

Primary land uses:

Agricultural Chemical Storage
Animal Feedlots or Stockyards
Asphalt or Tar Production
Automotive Supplies Distribution
Blast Furnaces, Steel Works, Rolling or Finishing Mills
Building Cleaning or Maintenance Services Company
Building Materials Production
Car or Truck Wash
Chemical or Petroleum Storage or Sales
Chemical, Blending or Distribution
Clay, Ceramic or Refractory Minerals Mining or Quarrying
Construction Contractors' Equipment or Materials Storage
Creosote Manufacturing or Treatment
Dry Cleaning Plants or Commercial Laundries
Educational, Engineering or Vocational Shops or Laboratories
Electroplating Operations or Metal Finishers
Equipment Repair
Fat Rendering
Food or Beverage Production (excluding restaurants, catering and other retail food establishments)
Furniture or Wood Strippers, Refinishers
Fuel Dispensing Facilities
Golf Courses or Driving Ranges
Hazardous Waste Treatment, Storage or Disposal
Hospitals
Laboratories: Medical, Biological, Bacteriological, Chemical
Landscape or Lawn Installation or Maintenance Service (Commercial)
Large Institutional Uses: Convalescent or Nursing Homes, Correctional or Penal Institutions, Schools, Colleges or Universities
Leather Tanning or Finishing
Limestone, Sand or Gravel Mining or Quarrying
Machine, Tool or Die Shop
Manufacture of:
Autos or Trucks
Cement
Chemicals or Gases
Colors, Dye, Paint or Other Coatings
Communication Equipment
Detergents or Soaps
Explosives, Matches, or Fireworks
Glass or Glass Products

Light Portable Household Appliances; Electric Hand Tools; Electrical Components or Sub-Assemblies; Electric Motors; Electric or Neon Signs
Machinery, Including Electrical or Electronic Machinery; or Equipment or Supplies (Circuits or Batteries).
Major Electric or Gas Household Appliances
Marine Equipment
Musical Instruments
Office Machinery, Electrical or Mechanical
Paper, Paper Box or Paper Products
Recording Instruments
Tools or Implements, Machinery or Machinery Components
Wood Products
Materials Transport or Transfer Operations (Truck Terminals)
Metal Mining
Mortuary or Other Embalming Services
Motor or Body Repair: Auto, Truck, Lawnmower, Airplane, Boat, Motorcycle
Municipal Waste Landfill or Transfer Station
Oil or Gas Production Wells
Oil or Liquid Materials Pipelines
Painting or Coating Shops (utilizing liquids or water soluble solids)
Pesticide or Fertilizer Application Services
Petroleum Refining
Photographic Processing Facilities
Printing Industries (utilizing liquid inks)
Radioactive Waste Handling or Storage
Road Salt Storage
Rubber or Plastics Processing or Production
Scrap or Junk Yards
Slaughterhouse or Meat Packing
Sludge Treatment or Disposal
Solid Waste Treatment, Storage or Disposal (involving potential ground water contaminants)
Stamping or Fabricating Metal Shops Using Press, Brakes, or Rolls
Textile Production
Warehousing of Potential Ground Water Contaminants
Wastewater Treatment Facilities
Wood Preservers or Treaters

Accessory land uses:

Car or Truck Wash (if an underground storage tank is used)
Dry Cleaning Plants (if 40 gallons or more of petroleum or chlorinated solvents are used or stored in a single container on site)
Motor or Body Repair: Auto, Truck, Lawnmower, Airplane, Boat, Motorcycle (if 55 gallons or more in aggregate of petroleum or chlorinated solvents are used or stored on site)
Fuel Dispensing Facilities
Outdoor Road Salt Storage (if over one ton in bulk)

3. Where an existing use is being expanded, the site and development plan shall generally describe the entire site but only the expansion development is subject to review. Only those chemicals to be used, stored, or handled in the expanded area shall be calculated in determining threshold amounts.

C. *Commitments.* The Commission may permit or require commitments.

D. *State statutory basis.* The applicable Indiana Planning and Zoning Laws pertaining to this ordinance are the 1) 1400 Series - Development Plans of IC 36-7-4 and; 2) 600 Series - Zoning Ordinance [IC 36-7-4-600. Regulations contained in, and revisions to, this ordinance reflect the provisions of the 1400 Series - Development Plans, and the 600 Series - Zoning Ordinance.

Sec. 2.01. Wellfield protection district regulations.

Statement of Purpose. Because of the risk that certain chemicals pose to ground water quality, it is recognized that the further regulation of the use and storage of such chemicals related to land use activities is essential in order to preserve public health and economic vitality within Marion County.

A. *Permitted wellfield protection district uses.* All land uses permitted in the applicable underlying zoning districts shall be those allowed in the W-1 and W-5 overlay districts.

B. *Site and development plan consideration.* Upon the application for an Improvement Location Permit, the technically qualified person, on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments, or commitments, the proposed site and development plan. Comments from Health and Hospital Corporation of Marion County and applicable water utilities shall be solicited by the technically qualified person prior to approval of a site and development plan and if such comments are provided timely by the Health and Hospital Corporation or applicable water utilities, the technically qualified person shall consider them and may give them such weight as he or she shall determine to be appropriate.

C. *Plan documentation and supporting information.* Said site and development plan shall include:

- a. Any existing uses*
- b. Setbacks*
- c. Landscaping, screens, walls, fences*
- d. Sewage disposal facilities*
- e. Vicinity Map (U.S.G.S. quadrangle preferred)
- f. Brief history of site of new building or addition (usage, historical environmental concerns, abandoned wells, underground storage tanks, septic tanks)
- g. Site map (drawn to scale) including:
 - All existing and proposed structures*
 - Paved and nonpaved areas*
 - Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing)
 - Floor drain locations and outlets
 - Chemical/product storage locations
 - Waste storage locations
 - Liquid transfer areas
 - Site surface water bodies (streams, rivers, ponds)*
 - Underground storage tanks
 - Aboveground storage tanks
- h. Proposed containment area detail drawings--area, heights, materials, specifications, if applicable
- i. Description of proposed operations including chemicals/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures, heating source (oil/gas), liquid transfer/loading areas.
- j. Methods and locations of receiving, handling, storing, and shipping chemicals/products and wastes
- k. Response measures and reporting
- l. Description of slopes near containment vessels and waste storage areas*

Such site and development plan shall be provided to the Health and Hospital Corporation of Marion County and applicable water utilities when sent to the technically qualified person.

* Information required by ILP ordinance.

D. *Site and development requirements.* Land in the W-1 and W-5 Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the technically qualified person shall assess whether said site and development plan:

1. Is consistent with the Comprehensive Plan of Marion County, Indiana.
2. Will prevent potential ground water contaminants associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable federal primary drinking water standards after undergoing conventional ground water treatment.
3. Will not pose an unreasonable risk to ground water within a designated wellfield protection areas.
4. Complies with Section 2.01 H.

The technically qualified person shall consider and act upon any such proposed site and development plan; and may approve the same in whole or in part, or impose additional conditions, or commitments thereon. (It is the intent of the ordinance that review of site and development plans be done in an expeditious manner. Generally this review would occur within fourteen (14) days from receipt of plan documentation and supporting information required in Section 2.01 C.

E. *Public notice.* Public notice of the filing of an application under this section and public notice of the decision by the Administrator relative to such application shall not be required because this application is being treated as an improvement location permit application.

F. *Staff approval.*

1. *Standards for review and disposition.* The technically qualified person shall be required to use the standards of Section 2.01, D, and Section 2.01, H. in the review and disposition of such plans.
2. *Appeal of staff approval.* Any party of interest or aggrieved person shall have the right to appeal action by the technically qualified person before the Metropolitan Development Commission to approve or disapprove a site and development plan. Such appeal shall be filed as an approval petition within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission.
3. *Commission findings.* The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section 2.01, D above. The President or Secretary of the Commission shall be responsible for signing the written findings.
4. *Public information.* The decision of the technically qualified person to approve or disapprove a site and development plan and the file on which the decision is based are public records and are available for examination by any person. The Department of Metropolitan Development shall, within 2 business days of the decision, send by fax a summary of the decision (including the docket number of the case, the address, a summary of the request, any waivers granted, and a summary of the action taken by the technically qualified person) to:
 - a. Members of the City-County Council
 - b. The President of the Marion County Alliance of Neighborhood Associations, Inc.

- c. Indianapolis Chamber of Commerce
- d. Health and Hospital Corporation of Marion County
- e. Applicable water utilities

The validity of the decision of the technically qualified person shall not be affected by any failure to comply in all respects with this public information provision.

G. *Improvement location permit requirements.* No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Wellfield Protection Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan, if required in Section 2.00, B, has been approved in accordance with this section.

H. *Development standards.* In addition to the site and development requirements of Section 2.01, D, all development within the W-1 and W-5 Districts shall be reviewed by the technically qualified person for conformity with the following requirements:

- 1. Prior to approving a site and development plan, a technically qualified person may:
 - a. Impose conditions or require commitments to protect the ground water supply in addition to the requirements stated in Sec. 2.01,H,2.
 - b. Substitute conditions or commitments that protect the ground water supply for one or more of the requirements in Sec. 2.01,H,2.
 - c. Waive one or more of the requirements in Sec. 2.01,H,2 (Notice of the proposed issuance or granting of any such waiver shall be provided to the Health and Hospital Corporation of Marion County and the applicable water utilities.)

In determining whether conditions or commitments should be made applicable, in determining whether conditions and commitments should be substituted for requirements, and in determining whether requirements should be waived, the risk to the ground water supply posed by the development and the costs of various methods of protecting the ground water supply shall be considered. The technically qualified person shall make findings supporting the substitution of conditions or commitments for requirements or the waiver of requirements.

- 2. Land in the W-1 and W-5 Districts is subject to the following requirements:
 - a. All known abandoned wells shall be identified and sealed in accordance with applicable law.
 - b. No surface impoundments, ponds, or lagoons shall be established except for:
 - i. Storm water detention and retention ponds; and
 - ii. Recreation or landscaping purposes.
 - c. In the W-1 District, detention and retention ponds shall meet one of the following criteria:
 - i. They are constructed in a manner that provides an effective barrier to the migration of potential ground water contaminants into the ground water.
 - ii. There are existing developed site features, including the location of the proposed pond, to prevent the migration of potential ground water contaminants into the ground water.
 - d. The development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal.

- e. All trash dumpsters shall be located on hardsurfaced areas that drain to storm sewers or combined sewers.
- f. All areas that may be used for the storage of potential ground water contaminants shall be constructed in a manner to prevent a release from the storage area from reaching the ground water.
- g. All vehicle or equipment repair and shop areas shall be located within an enclosed building that includes a floor constructed of material which forms an effective barrier to prevent the migration of fluids or other materials into the ground water.
- h. The following restrictions apply to new, outdoor storage areas only in the W-1 district:
 - i. No above ground storage tank of liquid (for underground storage tanks see requirement m) of greater than one thousand (1000) gallons is allowed.
 - ii. No storage of water soluble solids of more than six thousand (6000) pounds per container is allowed in any one containment area.
 - iii. Restrictions of i. and ii. above may be waived by the Technically Qualified Person if the tanks or other storage container is at least 200 feet from a Public Water Supply System (PWSS) well, is above ground, and is located where at least 25 feet or a suitable thickness of naturally occurring or compacted low permeability fine grained materials overlie the aquifer used by the PWSS.
- i. Except for fuel stored in accordance with H,2,n, at a fuel dispensing facility, all tanks holding more than 40 gallons of liquids for more than twenty-four hours must be in a location or containment area capable of preventing any release from the tank from reaching the ground water table. A containment area capable of containing 110% of the largest such tank in that location would satisfy this requirement.
 - i. The containment area shall be constructed to meet at least one (1) of the following requirements:
 - 1. A secondary containment structure designed to prevent and control the escape or movement of potential ground water contaminants into ground water for a minimum period of 72 hours before removal; or
 - 2. A storage tank designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes interstitial monitoring.
 - ii. Where practical, the secondary containment structure shall be designed to allow drainage or pumping into a holding area designed to contain the discharge until it can be properly removed.
 - iii. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
 - iv. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- j. While being stored, water soluble solids must be kept dry at all times.
- k. Sludges which could release liquids or water soluble solids must be contained so that neither could enter the ground water.
- l. The transfer area for the bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:

- i. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water.
- ii. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the area.
- m. In the W-1 district, existing underground storage tanks (USTs) may be replaced or upgraded only in accordance with requirement n. Replacements and upgrades to existing USTs at fuel dispensing facilities are not subject to the volume limitations. No other new USTs are permitted in the W-1 district.
- n. In the W-1, the following requirements apply only to fuel dispensing facilities, or replacement or upgraded USTs as referenced in requirement m. For all other tanks, see requirement i.
 - i. Approved USTs shall be double walled.
 - ii. Approved USTs shall include the following three methods of release detection:
 - 1. Inventory Control as defined in 40 CFR 280.43(a);
 - 2. Monthly 0.2 in tank leak test as defined in 40 CFR 280.43(d); and
 - 3. Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g).
 - iii. Connected piping must include the following three methods of release detection:
 - 1. Inventory Control;
 - 2. Continuous detection for 3 gallon per hour line leak, as specified in 40 CFR 280.44(a) except that automatic shutoff is required at 95% tank capacity; and
 - 3. Double walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44c via 280.43g.
- o. In the W-5 district, the requirements of 40 CFR Part 280 apply to existing, registered USTs which are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of 40 CFR Part 280, applicable to non-petroleum USTs, shall be applicable to the following in the W-5 district:
 - 1. Such a tank that is covered by state or federal hazardous waste regulations;
 - 2. Heating oil tanks for on-site use;
- p. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
 - i. If the extraction of sand and gravel involves the removal of materials below the normal ground water level, the work shall be accomplished by way of a dragline, floating dredge, or an alternative "wet" excavation method.
 - ii. There shall be no de-watering of sites utilized for sand and gravel extraction.
 - iii. No form of solid waste, sludge, or any other form of waste material of any kind, including, but not limited to, construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
 - iv. All fuels, oils, lubricants, hydraulic fluids, petroleum products or other similar materials on site shall be secondarily contained.

- q. De-watering of sites shall be permitted only for the following purposes:
 - i. To prevent water damage to structures; and
 - ii. To protect ground water quality; and
 - iii. The temporary de-watering for the construction of sewers and other underground facilities, including foundation structures.
- r. Class V injection wells (as defined in 40 CFR 146) shall be prohibited with the exception of the following:
 - i. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if non-contact; and
 - ii. Cooling water return flow wells used to inject water previously used for cooling, if non-contact; and
 - iii. Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants; and
 - iv. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if non-contact.

Sec. 2.03. Construction of language and definitions.

A. *Construction of Language.* The language of this ordinance shall be interpreted in accordance with the following regulations:

- 1. The particular shall control the general.
- 2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
- 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 4. Words used in the present tense shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 5. A "building" or "structure" includes any part thereof.
- 6. The phrase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- 7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. *Definitions.* The words in the text or illustrations of this ordinance shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

1. *Abandoned Well.* A well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.
2. *Above Ground Storage Tank.* Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential ground water contaminants and the volume of which (including the volume of underground pipes connected thereto) is less than ten (10) percent beneath the surface of the ground. Flow-through process tanks are excluded from the definition of above ground storage tanks.
3. *Approved Underground Storage Tank.* A stationary device designed to contain an accumulation of potential ground water contaminants and constructed of non-earthen materials, for example, steel or fiberglass, which has been approved for use by the Steel Tank Institute or the Fiberglass Petroleum Tank and Pipe Institute.
4. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
5. *Chlorinated Solvent.* Any liquid solution containing at least ten percent of a chemical or chemicals classified as a chlorinated organic compound. If the concentration of the chlorinated organic compound in the liquid is not known, the entire volume of the liquid solution shall be considered to be a chlorinated solvent.
6. *Commission.* The Metropolitan Development Commission of Marion County, Indiana.
7. *Commitment.* An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
8. *Condition.* An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the technically qualified person.
9. *Connected Piping.* All underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.
10. *Containment Area.* An above ground area with floors and sidewalls that have been constructed of a material which will prevent migration of fluids into the ground water.
11. *Development Plan.* As enabled by 1400 SERIES--DEVELOPMENT PLANS IC 36-7-4-1400 through IC 36-7-4-1499.
12. *De-Watering.* Any removal of ground water specifically designed to lower ground water levels.
13. *Disposal.* Discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential ground water contaminants into or on any land or water.
14. *Excavation.* The breaking of ground, except common household gardening, ground care and agricultural activity.
15. *Fuel Dispensing Facility.* Any facility where gasoline or diesel fuel is dispensed into motor vehicle fuel tanks from an underground storage tank.
16. *Ground Water.* Any water occurring within the zone of saturation in a geologic formation beneath the surface of the earth.
17. *Hardsurfaced.* (Pertains to the Wellfield Protection Zoning Ordinance only.) Quality of an outer area being solidly constructed of asphalt, concrete, or other Health and Hospital Corporation approved material.
18. *Interstitial Monitoring.* A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential ground

water contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

19. *Legally Established Nonconforming Use.* Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the zoning district.
20. *Liquid.* A liquid is a substance or mixture which is fluid at 20 degrees C (68 degrees F).
21. *Liquid Transfer Area.* An off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential ground water contaminant to and from a facility.
22. *Permitted Use.* Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
23. *Potential Ground Water Contaminant.* Any material which because of its toxicity and mobility in ground water, poses a significant hazard to the quality of ground water resources used for public water supply.
24. *Premises.* A platted lot or part thereof or unplatted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, easement, or drainage way.
25. *Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (surface water, ground water, drinking water supply, land surface, subsurface strata).
26. *Shop Area.* A production or repair area equipped with tools and machinery.
27. *Site Plan.* The Plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed locations and conditions of the lot including as required by the Improvement Location Permit Ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.
28. *Storage.* The long term deposit (more than twenty-four hours) of any goods, material, merchandise, vehicles, or junk.
29. *Structure.* A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
30. *Surface Impoundment.* A natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.
31. *Tank.* A tank is a stationary device designed to contain an accumulation of liquids and which is constructed of non-earthen materials, for example, concrete, steel, or plastic, that provides structural support.
32. *Technically qualified person.* A technically qualified person is either (a) any person provided by the ERMD pursuant to a contract or memorandum of understanding between the Department of Metropolitan Development ("DMD") and ERMD, or (b) any person with whom the ERMD has a services contract and who is provided to DMD by ERMD pursuant to a contract or memorandum of understanding between DMD and ERMD. Such technically qualified person is a person who is competent to evaluate site and development plans for contamination risk to ground water quality. Examples of technically qualified persons include professional engineers, certified professional geologists and environmental and other scientists with specialized training and experience in hydrogeology, contaminant transport, and hazardous materials management.

33. *Underground Storage Tank.* Any one or combination of tanks (including underground pipes connected thereto) that is regulated under 40 CFR Part 280. Notwithstanding the exceptions in 40 CFR, Part 280, for the purpose of this ordinance an underground storage tank also includes:
 1. A tank which would otherwise be regulated by 40CFR, Part 280 but for the fact that it contains hazardous waste as regulated under subtitle C of the federal Solid Waste Disposal Act.
 2. A tank which would otherwise be regulated by 40 CFR, Part 280 but for the fact that it is used to store heating oil for consumptive use on the premises where stored.
34. *Vehicle or Equipment Repair Area.* An area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.
35. *Well.* A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

CHAPTER III

Section 3.00. Groundwater protection.

A. *Groundwater Protection Fund.*

There is created a Groundwater Protection Fund, funds from which shall be used only for those specific activities identified in Section C below.

B. *Groundwater Protection Fee.*

Each public water supply system that pumps groundwater from one or more wells located within a W-1 or W-5 District shall pay into the Groundwater Protection Fund a percentage of the annual fee assessed by the Commission, such percentage to be determined by dividing the number of customers served by the water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one or more wells within a W-1 or W-5 District. The annual fee assessed by the Commission for any calendar year shall be based on the Commission's approved budget for the specific activities identified in Section C below, but shall not exceed Two Hundred Thousand Dollars (\$200,000). Within thirty (30) days following the approval of the Commission's budget for the specific activities described in Section C below during the following year, the Commission shall notify the public water supply systems that pump groundwater from one or more wells located within a W-1 or W-5 District as to the amount of the annual fee to be assessed all such systems for the following year. Each public water supply system subject to this Ordinance that pumps groundwater from one or more wells within a W-1 or W-5 District shall report, in writing, to the Commission on or before January 31 of each year, the number of customers served at the end of the prior calendar year. On or before March 1 of each year, the Commission shall determine the amount of the annual fee to be assessed and notify each of the water supply systems that pumps groundwater from one or more wells within a W-1 or W-5 District as to the portion of such annual fee to be paid by such public water supply system. The public water supply system shall pay the full amount of its portion of the annual fee assessed by the Commission on or before March 15 of each year.

C. *Groundwater Protection Costs.*

The funds in the Groundwater Protection Fund shall be used solely to pay for:

1. Administrative costs incurred by the Commission and the Department of Metropolitan Development in the implementation of this Ordinance;
2. Study costs incurred in accordance with the provisions of Section 1.00 A; and
3. Costs incurred in establishing and maintaining a wellfield education and registration program.

CHAPTER IV

Sec. 4.00. Severability. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Sec. 4.01 Compliance. This ordinance shall be in full force and effect upon its adoption in compliance with I. C. 36-7-4.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning Ordinance [62-AO-2] as amended) and the Airspace District Map adopted as part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 5. This rezoning shall not supersede, amend or repeal the Regional Center Zoning District boundaries, as adopted under Metropolitan Development Commission docket number 70-AO-3, as amended.

PROPOSAL NO. 212, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 212, 1997 on May 5, 1997. The proposal amends the Improvement Location Permit Ordinance by providing for additions to the definitions section of the ordinance to address underground storage tanks within the Wellfield Protection Zoning Districts (97-AO-11). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 212, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Schneider, Shambaugh, Talley

Proposal No. 212, 1997 was retitled GENERAL ORDINANCE NO. 77, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 1997

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 97-AO-11

A GENERAL ORDINANCE amending the Improvement Location Permit Ordinance of Marion County, Appendix D, Part 17 of the Code of Indianapolis and Marion County, as amended.

WHEREAS, IC 36-7-4, as amended establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative the zoning and districting of land to the

Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and,

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, as amended, various segments of its Comprehensive Plan of Marion County, Indiana; and,

WHEREAS, said IC 36-7-4, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; and the public health, safety, comfort, morals, convenience and general public welfare may be promoted; and,

WHEREAS, said IC 36-7-4, as amended, grants certain Improvement Location Permit powers to said Commission; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; now, therefore:

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

SECTION 1. The Improvement Location Permit Ordinance, Appendix D, Part 17, of the Municipal Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-11, 71-AO-1, 75-AO-2, 88-AO-1, and 93-AO-3, 95-AO-2, and 97-AO-4 is further amended as follows:

A. That Section 2.00, B, be amended by inserting the following language as follows:

18. *Structure.* For purposes of this ordinance, a "structure", for which an Improvement Location Permit shall be required, shall include any building, sign or other structure, constructed or erected, the use of which requires a more or less specific location upon the ground, whether permanently affixed to the ground, temporary or mobile. For purposes of this ordinance, an underground storage tank also shall be considered a structure for which an Improvement Location Permit shall be required within the W-1 and W-5 Districts of the Wellfield Protection Zoning Ordinance of Marion County, Indiana, 95-AO-6 as amended.

20. *Underground storage tank.* The definition of an underground storage tank shall be as defined in the Wellfield Protection Zoning Ordinance of Marion County, Indiana, 95-AO-6, as amended.

SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

PROPOSAL NO. 213, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 213, 1997 on May 5, 1997. The proposal amends the Revised Code concerning the housing board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Hinkle moved, seconded by Councillor Williams, for adoption.

Councillor Franklin stated that as a member of the Board of Commissioners, he will abstain due to a conflict of interest.

Councillor O'Dell stated that it seems the entity should just be put back under the City. Councillor Hinkle stated that the ordinance allows for the status to be reviewed again in four

years, and that if it is felt at that time that putting housing back under the City is the best option, the Council has the opportunity to do so at that time.

Councillor Gilmer stated that it does not make sense to take the word "public" out of the title of the agency and that the name does not change the function.

Councillor Borst stated that he is uncomfortable about the four appointees coming from the same political party.

Proposal No. 213, 1997, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 213, 1997, as amended, was retitled GENERAL ORDINANCE NO. 78, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 1997

A GENERAL ORDINANCE amending Article IV of Chapter 285 of the Revised Code concerning the housing board.

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

SECTION 1. Article IV of Chapter 285 of the Revised Code of the Consolidated City and County is hereby amended by inserting the underlined language and deleting the stricken-through language to read as follows:

ARTICLE IV. INDIANAPOLIS ~~PUBLIC~~ HOUSING AGENCY

Sec. 285-401. Agency established.

Pursuant to IC 36-7-18-1(b), there is hereby established an Indianapolis ~~Public~~ Housing Agency to perform the public housing function in Indianapolis and Marion County, Indiana.

Sec. 285-402. Powers.

(a) The Indianapolis ~~Public~~ Housing Agency is responsible for the management, operation, maintenance and administration of public housing and public housing projects, and the provision of safe, sanitary and affordable dwelling accommodations for qualified persons of low and moderate income.

(b) The Indianapolis ~~Public~~ Housing Agency shall:

- (1) Acquire, lease, and operate housing projects;
- (2) Provide for the construction, reconstruction, improvement, alteration, or repair of all or any part of a housing project;
- (3) Acquire, lease, or rent any land, buildings, structures or facilities included in, or associated with, a housing project;
- (4) Fix the rentals or charges for property it rents or leases;
- (5) Own, hold, and improve real or personal property;

- (6) Acquire any interest in real or personal property in any manner, including the power granted under IC 36-1-4-5;
- (7) Dispose of any interest in real or personal property;
- (8) Provide for the insurance of the property or the operations of the agency against risk or hazard;
- (9) Obtain from the federal government insurance or guarantees for the payment of any debts secured by mortgages on property included in a housing project, regardless of whether those debts were incurred by the agency;
- (10) Provide housing for persons engaged in national defense activities or for victims of a major disaster;
- (11) Receive HUD grants, subsidies and other monies for the development and improvement of public housing and other federally-assisted programs. In accordance with all HUD rules and regulations and without further approval from the City, the Indianapolis Public Housing Agency shall establish all necessary accounts to enable it to expend and receive money; and
- (12) Exercise any other powers and duties designated in IC 36-7-18-1.5 and any additional powers granted by statute or ordinance.

Sec. 285-411. ~~Public H~~Housing board established.

(a) There is hereby established a ~~public~~ housing board, ~~which~~ The public housing board shall consist of ~~seven~~ nine (79) members, no more than ~~four~~ five (45) of whom may be of the same political party. The terms of the members of the public housing board appointed prior to this amendment shall expire on May 31, 1997, and the terms of members appointed under this section, as amended, shall begin on June 1, 1997, or as soon thereafter as appointed.

(b) The members of the housing board shall be appointed as follows:

- (1) ~~four (4)~~ Five (5) members appointed by the mayor, (i) one (1) shall have experience or training in public accounting or public finance. (ii) one (1) shall have experience or training in building management or housing construction, and (iii) one (1) shall have experience or training in social services or human resources administration. one (1) of whom shall be a representative of the family housing community; and three (3)
- (2) ~~Two~~ Two members appointed by council, ~~One member of the board will be nominated for appointment by the political party holding the highest number of seats on the city-county council, and One member of the board will be nominated for appointment by the political party holding the second highest number of seats on the city-county council, and one of whom shall be a representative of the senior housing community.~~
- (3) Two (2) members appointed by the Indianapolis Housing Agency Resident's Council, one (1) shall be appointed from the family housing community and one (1) from the senior community.

(bc) The initial terms of the members of the ~~public~~ housing board shall be as follows:

- (1) ~~The representative of the family housing community appointed by the mayor shall serve an initial one year term ending December 31, 1995;~~
- (2) ~~The representative of the senior housing community appointed by the city-county council shall serve an initial one year term ending December 31, 1995;~~
- (3) ~~Two (2) m~~Members appointed by the mayor shall ~~serve an~~ be for initial four-year terms ending December 31, 1998; two (2) ending December 31, 1998, one (1) ending December 31, 1999, one (1) ending December 31, 2000, one (1) ending December 31, 2001
- (4) ~~One (1) member appointed by the mayor shall serve an initial three year term ending December 31, 1997;~~

- (52) ~~One (1) member~~ Members appointed by the city-county council shall ~~serve an be for~~ initial two-year terms ~~ending December 31, 1996; and one ending December 31, 1999, and one ending December 31, 2001.~~
- (6) ~~One (1) member appointed by the city-county council shall serve an initial three year term ending December 31, 1997.~~

Subsequent appointments shall be for four year terms with the exception of the family and senior housing community representatives who shall be reappointed on an annual basis, provided that all terms shall end upon abolishment of agency or transfer of all its powers.

(ed) All members shall serve at the pleasure of the appropriate appointing authority and shall be eligible for reappointment. Members shall serve in person and without compensation.

(e) Members of the board shall serve until their successor is duly appointed and qualifies. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term. Whenever a vacancy occurs in the office of a board member other than by reason of the expiration of the term of the member, the secretary of the board shall promptly give written notice to the appointing authority.

(df) The officers of the ~~public~~ housing board shall consist of a chairperson and a vice-chairperson, who shall be elected by the board at its first meeting and annually thereafter at the regular March meeting. The executive director of the Indianapolis ~~Public~~ Housing Agency shall serve as secretary. The chairperson shall be the presiding officer of the board, and the secretary shall be its recording officer.

Sec. 285-412. Meetings.

The ~~public~~ housing board shall hold regular meetings at least once a month at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by ~~three-sevenths~~ one-third of the members at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice which must be delivered, mailed or sent by telegram so that each member has at least forty-eight (48) hours' notice of the meeting. The notice requirement may be waived as to a member if he attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

Sec. 285-413. Board action.

A majority of all members of the board constitutes a quorum. A majority vote of all board members is required to take official action.

Sec. 285-414. Powers.

The ~~public~~ housing board shall:

- (1) Approve the award and amendment of all contracts for lease or purchase of capital equipment;
- (2) Approve the employment of all persons engaged by contract to render professional or consulting services;
- (3) Approve all acquisition of interest in real estate;
- (4) Approve all contracts for public work as defined in IC 36-1-12;
- (5) Approve the location of and general development plans for real estate proposed to be acquired by the Indianapolis ~~Public~~ Housing Agency for the purpose of providing ~~public~~ housing, as a condition of its acquisition by the agency;
- (6) Exercise any other powers and duties granted by statute or ordinance.

Sec. 285-421. Executive director.

The Indianapolis Public Housing Agency shall be administered by an executive director appointed by the mayor, subject to confirmation by the public housing board and the city-county council, to serve at the pleasure of the board for a designated term.

Sec. 285-422. Duties.

The executive director of the Indianapolis Public Housing Agency shall:

- (1) Establish operational procedures;
- (2) Prepare and submit all operating budgets to the public housing board for review and approval on an annual basis and submit an annual operating budget to the city-county council for review ~~one hundred twenty (120) days before the end of the fiscal year~~ prior to or during the regular budget process;
- (3) Submit for city-county council approval all expenditures of COIT funds;
- (4) Approve the hiring and dismissal of personnel subject to limitations prescribed by law and in accordance with the Indianapolis Public Housing Agency personnel policy and with all HUD guidelines;
- (5) Delegate to personnel of the agency authority to act on the executive director's behalf;
- (6) Assign tasks to employees of the agency and supervise the carrying out of those responsibilities;
- (7) Approve and execute legal instruments subject to limitations prescribed by law;
- (8) Approve or disapprove disbursement of funds subject to limitations prescribed by law;
- (9) Receive pertinent information, engage in agency planning, and establish policies and goals for the agency subject to limitations prescribed by law and in accordance with all HUD rules and regulations, and all policies and goals properly established by the public housing board;
- (10) Coordinate the activities of departments within the agency;
- (11) Submit quarterly written reports to the city-county council on behalf of the agency and appear at the request of the appropriate council committee to review said reports. Said reports shall be based upon the HUD public housing management assessment criteria (i.e., tenant accounts receivable, fiscal management, maintenance response, modernization management, and related matters); and
- (12) Exercise any other powers and duties granted by statute or ordinance or delegated by the public housing board.

SECTION 2. The appropriate council committee shall review the status of the Indianapolis Housing Agency commencing in 1999 and each four years thereafter to determine and recommend to the city-county council whether the Indianapolis Housing Agency should: (1) become a stand-alone housing authority; (2) continue as an agency; or (3) return to being a division of the Department of Metropolitan Development. If the city-county council fails to act upon the recommendation of the committee, the Indianapolis Housing Agency shall continue as an agency until such time as the city-county council directs otherwise.

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

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

PROPOSAL NO. 226, 1997. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 226, 1997 on April 29, 1997. The proposal approves a public purpose grant in the amount of \$65,505 to Indiana University for the purpose of purchasing equipment to be used to establish the operation of a shared educational access and Department of Public Safety cable television channel in Marion County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Dowden, for adoption.

Councillor Gilmer asked if the operation is located at Indiana University or Indiana University Purdue University of Indianapolis (IUPUI). Councillor Curry stated that it will be located on the IUPUI campus adjacent to the educational studio.

Councillor Williams stated that she is concerned about public access television and asked if public access producers will benefit from this purchase of equipment. Councillor Curry stated that this equipment is for educational access and not for public access television. Councillor Moores stated that public access parties have contacted her and advised her that public access time is not granted by the cable stations and that possibly this grant could be another way to make more time for public access.

Councillor McClamroch stated that the Rules and Public Policy Committee has addressed the public access issue on several occasions, and that this proposal does not pertain to public access.

Councillor O'Dell asked if this grant will impede the funds of \$75,000 normally given to the educational channel. Councillor Curry stated that it would not.

Proposal No. 226, 1997 was adopted on the following roll call vote; viz:

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

Councillor Curry asked for consent to make a technical amendment to Proposal No. 226, 1997 in the fourth paragraph by adding today's date. Consent was given.

Proposal No. 226, 1997, as amended, was retitled SPECIAL RESOLUTION NO. 44, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 1997

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$65,505.50 for the purpose of purchasing equipment to be used to establish the operation of a shared educational access and Department of Public Safety cable television channel in Marion County, Indiana.

WHEREAS, both of the cable television operators holding nonexclusive franchises to provide cable services within the Consolidated City (City) are required by the terms of their franchise agreements to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

WHEREAS, the Office of the City Controller holds such amounts in the Cable Franchise PEG Grants Fund (Fund), and the Indianapolis-Marion County Cable Franchise Board (Board) recommends Fund expenditures, which are authorized by the City-County Council (Council) as public purpose grants; and

WHEREAS, on May 19, 1997, the Board approved Indiana University's request for \$65,505.50 from the Fund to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), a voluntary consortium of area school districts, colleges, and universities, to operate a shared educational access and Department of Public Safety cable television channel of the franchised cable systems in Marion County, Indiana; and

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$65,505.50 to Indiana University for the purpose of purchasing equipment to be used to establish the operation of educational access and Department of Public Safety cable television channel in Marion County, Indiana (the Grant); and

WHEREAS, Section 2-428 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the Council; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$65,505.50 to Indiana University for the purpose of purchasing equipment to be used to establish the operation of a shared educational access and Department of Public Safety channel of the franchised cable systems in Marion County, Indiana, is hereby approved. A list of the equipment authorized for purchase will be kept in the City-County Council's permanent files and available for public inspection.

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

Councillor Schneider reported that the Administration and Finance Committee heard Proposal Nos. 267-269, 1997 on May 6, 1997.

PROPOSAL NO. 267, 1997. The proposal amends Sec. 961-303 of the Revised Code to reconcile the Controller's right to redraw vending cart districts with the vendor's right to "lock-in" his or her assigned zone for an additional year. 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 Short, for adoption. Proposal No. 267, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Golc, Jones, Talley

Proposal No. 267, 1997 was retitled GENERAL ORDINANCE NO. 79, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 1997

A PROPOSAL FOR A GENERAL ORDINANCE amending Section 961-303 of the "Revised Code of the Consolidated City and County" concerning allocation of franchise zone licenses among zones, and the protection of zones which have been recertified in the same calendar year.

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

SECTION 1. Section 961-303 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. 961-303. Allocation of franchise zone licenses among zones.

(a) On or before August 1 of each year, a licensee in ~~any a~~ nonprotected franchise zone may notify the controller in writing that the licensee elects to remain in such zone for the next calendar year. If the boundaries of such zone have not been changed substantially during the same calendar year under Section 961-301 of the Code, and such licensee is otherwise qualified for renewal of that license, the controller shall allocate such franchise zone license to such zone as a protected franchise zone.

(b) A franchise zone can only be protected for one (1) consecutive annual drawing.

(c) Between September 1 and September 30 of each year, the controller shall conduct a public drawing of all franchise zone licenses, whether designated as food carts, frozen food carts, flower carts or merchandise carts, to allocate them among all nonprotected franchise zones for a term beginning January 1 and ending December 31 of the following year. Within a single franchise zone, the controller may not allocate more than two (2) food cart licenses, one (1) frozen food cart license, one (1) flower cart license, and one (1) merchandise cart license.

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

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

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

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

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

PROPOSAL NO. 268, 1997. The proposal establishes a fee schedule for copies of public records made by city and county agencies and departments. 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. 268, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Golc, Gray, Jones, Smith, Talley

Proposal No. 268, 1997 was retitled GENERAL ORDINANCE NO. 80, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 1997

A PROPOSAL FOR A GENERAL ORDINANCE adding a new Sec. 131-101 to Article I of Chapter 131 of the Revised Code of the Consolidated City and County, Indianapolis, Marion County, Indiana to establish a schedule of copying fees for public records requests.

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

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding a new Section 131-101 to read as follows:

Sec. 131-101. Copies of public records; fee schedule.

Pursuant to the provisions of IC 5-14-3-1 et seq., the following fee schedule is hereby established for copies of public records made by the city, the county, and each of their departments and agencies:

(1) for standard-sized photocopies, the fee shall be Fifty Cents (\$.50) for the first page and Six Cents (\$.06) for each additional page copied pursuant to the same request;

(2) for copies produced in any format other than standard-sized photocopies, including but not limited to over-sized paper, computer tapes, disks, CD's, or microfilm, the fee shall be equal to the actual cost of copying the record.

This fee schedule shall apply except in instances in which another fee is specified by statute or ordered by a court.

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.

PROPOSAL NO. 269, 1997. The proposal recodifies and clarifies the provisions for dance permits and licenses, adds a requirement for general premises liability insurance, and reduces the fee for dance licenses. By a 7-0 vote, the Committee reported the proposal to the Council with

the recommendation that it do pass as amended. Councillor Schneider moved, seconded by Councillor Coonrod, for adoption.

Councillor Dowden asked if this proposal applies to businesses or individuals. Councillor Schneider stated that it applies to both.

Councillor Coughenour asked what kind of dancing is included. Councillor Schneider stated that this proposal covers any kind of dances being held.

Proposal No. 269, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 269, 1997 was retitled GENERAL ORDINANCE NO. 81, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 1997

A PROPOSAL FOR A GENERAL ORDINANCE amending Article IX of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" regarding dance permits and licenses, and recodifying the same as Chapter 881 of the "Revised Code of the Consolidated City and County."

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

SECTION 1. Article IX of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended and recodified as Chapter 881 of the "Revised Code of the Consolidated City and County" by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

~~ARTICLE IX. DANCES AND DANCE HALLS~~
~~DIVISION 1. GENERALLY~~

~~Sec. 17-277. Public dance halls prohibited.~~

~~(a) For the purposes of this section, the term "public dance halls" shall include all buildings and premises in this city open generally to the public, where dancing is indulged in or permitted, and is so conducted as the private business of any person, where a fee for admission or other thing of value is customarily charged for such use, and where music therefor is supplied by orchestras or by any type of mechanical device.~~

~~(b) A public dance hall is prohibited in the city.~~

~~Sec. 17-278. Intoxicated persons and prostitutes not allowed at dances.~~

~~No person shall enter or remain in any place where dances are given under a permit therefor issued pursuant to this article during the time a dance is being given or during the preparation therefor, while such person is under the influence of intoxicating liquors, or while having intoxicating liquors or narcotics upon his person; nor shall any prostitute or woman of lowd character be permitted to enter or remain in such place. It shall be the duty of the person in charge of the management of any such dance to see that this section is complied with and enforced.~~

~~Sec. 17-279. Dances to be open to authorities.~~

~~Dances operated under permits issued pursuant to this article and dancing schools shall at all times be open to the public authorities of the city for entrance and inspection, and the enforcement of this Code and other city ordinances and state law.~~

CHAPTER 881

DIVISION 2. DANCE PERMITS AND LICENSES

~~Sec. 17-290~~ 881-1. When Permit or license required.

~~(a) Except as provided by subsection (b), it shall be unlawful for any person to hold any dance, or to own, operate or allow the operation of any building or premises in the city open generally to the public, where dancing is indulged in or permitted, and where music therefor is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a dance permit or annual dance license therefor from the controller.~~

Sec. 881-2. Activities exempted from this chapter.

~~(b) The permit otherwise or annual license required by subsection (a) this chapter shall not be required under the following circumstances:~~

- ~~(1) For a dance held by a fraternal, educational, governmental, charitable or religious organization or a bona fide club, as long as admission to the dance is limited to members and invited guests and as long as the club or organization is not merely a subterfuge to avoid the requirements of this division chapter;~~
- ~~(2) for a dance which is not advertised in any manner and not open to the general public, and for which there is no admission fee or cover charge;~~
- ~~(3) for a dance which is located on premises which are licensed (as defined in IC 7.1-1-3-20) for the sale of alcoholic beverages and where entry is limited to persons who are eighteen (18) years of age or older;~~
- ~~(4) For dances which are performed as an exhibition or theatrical production, or part thereof, for the entertainment or benefit of an audience which is not expected or encouraged to participate in the dance;~~
- ~~(25) For any school or class, the purpose of which is to teach dancing; or,~~
- ~~(36) For every person who holds a hotel, motel, lodging or rooming house license issued pursuant to this chapter 901, and who holds a dance on the licensed premises.;~~
- ~~(4) For any person who has an annual dance license issued pursuant to this article.~~

~~Sec. 17-291. Separate permit required for each date and location.~~

~~A separate permit shall be obtained pursuant to this division for each date and location where a dance will be held.~~

~~Sec. 17-292~~ 881-3. Application for permit or license.

~~All applications for a permit or annual license required by this division chapter shall be in writing on a form designated by the controller, and, shall contain the following information and be signed by the applicant:~~

- ~~(1) the name, mailing address and telephone number of the applicant, and the names and addresses of all partners if a partnership, all officers if a corporation, and all other persons who will be associated in the operation of the business;~~
- ~~(2) on dance permit applications, the date and hours when, and address where, each dance will be held, and if a single application is for more than one dance permit, it shall state the date, location and hours of each dance.;~~

- (3) on annual dance license applications, the location, hours, and maximum number of days per week that dances will be held;
- (4) whether the dance or dances will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;
- (5) whether the applicant, including partners in a partnership and officers of a corporation, have ever been convicted of a felony; and,
- (6) any other information required by the code or deemed appropriate by the controller.

Sec. 881-4. Liability insurance.

(a) The applicant shall procure, and maintain throughout the term of the permit or license, a policy of general premises liability insurance which names the City of Indianapolis as an "additional insured" party, and which would protect the permittee or licensee and the city from any claims which may arise out of or result from the operation of the dance or dances. The applicant shall file a certificate of insurance with the controller before a permit or license can be issued.

(b) The limits of liability upon any insurance required by this section shall in no instance be less than five hundred thousand dollars (\$500,000.00) per occurrence.

Sec. 17-293. Fees.

(a) ~~Where more than one dance in a calendar year is approved by the controller, a separate permit fee shall be paid for each dance, but only one issuance fee need be paid.~~

(b) ~~The fee for a permit required by this division for each occasion upon which a dance is held shall be ten dollars (\$10.00).~~

Sec. 17-294 881-5. Denial; grounds.

(a) The controller shall not issue a dance permit or annual dance license to any person who has not reached the age of twenty-one (21) years, or who has been convicted of a felony.

(b) In addition to any other reasons stated in this code, the controller may refuse to issue a permit or license required by this ~~division~~ chapter for any of the following reasons:

- (1) The application was not made at least ~~twenty-four (24) hours~~ three business days prior to the time of commencement of the dance;
- (2) The applicant has been ~~convicted of a~~ found in violation of any law relating to ~~intoxicating liquors~~ alcoholic beverages, narcotics, or disorderly or immoral conduct; or
- (3) The applicant permitted violations of law to occur at a prior dance held by him, without stopping the violations or reporting them to the police.

Sec. 17-295 881-6. Scope of permit and license; hours of operation.

(a) Each permit issued pursuant to this ~~division~~ chapter shall allow the permittee to hold one dance at one location for a continuous period, and a separate permit shall be required for each dance, but under no circumstances may the dance be held between the hours of 2:00 a.m. and 6:00 a.m.

DIVISION 3. ANNUAL LICENSE

Sec. 17-306. May be obtained in lieu of dance permit.

(b) In lieu of obtaining a separate dance permits pursuant to this ~~article~~ chapter, an annual license with a term of one year may be obtained from the controller. Annual dance licenses shall be issued for specific numbers of dance days per week, and separate dance permits shall be required only in the event that an annual licensee desires to hold more dance days in any given week than are allowed by his ~~annual~~ the license.

(c) Under no circumstances may any part of a permitted or licensed dance be held between the hours of 2:00 a.m. and 6:00 a.m.

Sec. ~~17-307~~ 881-7. Fees.

(a) A separate fee of seventeen dollars (\$17.00) shall be paid for each permit issued pursuant to this chapter.

(b) The fee for an annual license obtained pursuant to this ~~division~~ chapter shall be as follows:

For 7 days per week.....	\$912.00
For 6 days per week.....	780.00
For 3 days per week.....	390.00
For 2 days per week.....	260.00

twenty-three dollars (\$23.00).

SECTION 2. Section 536-610 of the "Revised Code of the Consolidated City and County," regarding fees for the inspection of licensed premises, 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. 536-610. Miscellaneous inspection fees.

For inspection of premises upon which municipally licensed activities are to be carried out, as specified in section 536-503, initial inspection and annual reinspection--~~\$35.00~~ \$26.00 for building inspection, and \$42.00 for fire inspection.

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 adopting 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 Ind Code 36-3-4-14.

PROPOSAL NO. 276, 1997. The proposal imposes the county supplemental auto rental excise tax. PROPOSAL NO. 277, 1997. The proposal increases the county innkeeper's tax from 5% to 6%. PROPOSAL NO. 278, 1997. The proposal allows an expansion of the local excise tax known as the county admissions tax. Councillor Curry moved, seconded by Councillor Borst, to postpone Proposal Nos. 276-278, 1997 to June 23, 1997. Proposal Nos. 276-278, 1997 were postponed by a unanimous voice vote.

NEW BUSINESS

Councillor Williams stated that she has had several complaints regarding the new security system for the court wings. Councillor Curry stated that he has written to Presiding Judge Patricia Gifford regarding these concerns.

May 19, 1997

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillor Borst in memory of Josephine "Jo" Hauck.

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

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:25 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 19th day of May, 1997.

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)