

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

**REGULAR MEETINGS  
MONDAY, JANUARY 9, 1989**

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 7:03 p.m., on Monday, January 9, 1989, with Councillor SerVaas presiding.

Councillor Shaw lead the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

Councillor SerVaas 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: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, 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 that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, January 9, 1989, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

*Journal of City-County Council*

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

December 27, 1988

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, December 29, 1988, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 697, 701, 703 and 704, 1988, to be held on Monday, January 9, 1989, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

December 23, 1988

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 117, 1988, amending the City-County Annual Budget for 1988 (City-County Fiscal Ordinance No. 132, 1987) appropriating an additional Four Hundred Thousand Dollars (\$400,000) in the County General Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 118, 1988, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated County Fund, the Park District Fund, the Flood Control General fund, the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund during the period January 1, 1989, to December 31, 1989, in anticipation of current taxes levied in the year 1988 and collectible in the year 1989 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 119, 1988, amending the City-County Annual Budget for 1988 (City-County Fiscal Ordinance No. 132, 1987) transferring and appropriating an additional One Hundred Twenty Thousand Dollars (\$120,000) in the Consolidated County Fund for purposes of the Department of Administration, Legal Division, and reducing certain other appropriations for that Division.

January 9, 1989

FISCAL ORDINANCE NO. 120, 1988, amending the City-County Annual Budget for 1988 (City-County Fiscal Ordinance No. 132, 1987) transferring and appropriating an additional Fifty-one Thousand Three Hundred Twenty-five Dollars (\$51,325) in the County General Fund for purposes of the Presiding Judge of the Municipal Court, and reducing certain other appropriations for that Court.

FISCAL ORDINANCE NO. 121, 1988, amending the City-County Annual Budget for 1988 (City-County Fiscal Ordinance No. 132, 1987) transferring and appropriating an additional Three Thousand Five Hundred Dollars (\$3,500) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Six, and reducing certain other appropriations for that Court.

GENERAL ORDINANCE NO. 121, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Section 17-650, Liability insurance, to postpone increased Insurance limit requirements until April 1, 1989.

GENERAL ORDINANCE NO. 122, 1988, amending Marlon County Council Ordinance No. 8-1957, As Amended, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 123, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Section 27-102, Basis for charge; how calculated.

GENERAL ORDINANCE NO. 124, 1988, concerning the Reorganization of the Department of Transportation.

GENERAL ORDINANCE NO. 125, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Section 8-240, License required, to expand the list of entities which need not be licensed as a wrecking contractor.

GENERAL ORDINANCE NO. 126, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Chapter 2, Administration.

GENERAL ORDINANCE NO. 127, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Chapter 23, Personnel, Article V, Code of Ethics.

GENERAL ORDINANCE NO. 128, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Section 17-836, to extend existing cart licenses temporarily to March 31, 1988.

GENERAL ORDINANCE NO. 129, 1988, amending the "Code of Indianapolis and Marion County, Indiana", Section 2-317, Additional duties and responsibilities, and Section 2-320, Same - Powers and duties.

SPECIAL ORDINANCE NO. 20, 1988, approving an Amendment Agreement - First Amendment to bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture and Termination of Bond Guaranty Agreement (the "Agreement") among Eugene L. Brown, Kenneth W. Brown and Joseph S. Brown (the "Brown Partners"); Everett I. Brown Company, an Indiana Partnership ("EIB"); Sol. C. Miller d//b/a MSE Realty ("Miller") (EIB and Miller are collectively referred to as "the Assignees"); 941 North Meridian Street Investment Company, an Indiana General Partnership (the "Partnership"); the City of Indianapolis, Indiana ("Issuer"); The Indiana National Bank, as Trustee ("Trustee"); and the Indiana National Bank as Bondholder ("Bondholder"), dated as of \_\_\_\_\_, 1988. The Agreement amends and assigns certain rights and obligations as set forth in financing documents executed with the issuance of City of Indianapolis, Indiana Economic Development Revenue Bond, Series 1984-A (941 North Meridian Street Investment Company Project) in the principal amount of \$5,000,000 and City of Indianapolis, Indiana, Economic Development Revenue Bond, Series 1984-B (941 North Meridian Street Investment Company Project) in the principal amount of \$2,00,000 (the Series A and Series B Bonds are referred to collectively as the ("Bonds")).

SPECIAL RESOLUTION NO. 59, 1988, honoring Ben Davis High School for winning the IHSAA Class 5-A State Football Championship.

Respectfully submitted,  
s/William H. Hudnut, III  
William H. Hudnut, III

## **ADOPTION OF THE AGENDA**

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

## **ORGANIZATION OF COUNCIL**

### **Selection of Temporary Officers**

Councillor West moved, seconded by Councillor Howard, to appoint Mr. Robert G. Elrod as the temporary chairman of the meeting and Mrs. Beverly S. Rippy as the temporary secretary. Without objection, the motion carried and Dr. SerVaas surrendered the gavel to Mr. Elrod and invited him to preside.

### **Election of Officers**

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Cottingham nominated Councillor SerVaas for President, seconded by Councillor Rhodes. Councillor Gilmer moved, seconded by Councillor Boyd, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Councillor SerVaas as President.

Mr. Elrod then entertained nominations for Vice President. Councillor Gilmer nominated Councillor West for Vice President, seconded by Councillor Holmes. Councillor Giffin moved, seconded by Councillor Holmes, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Councillor West as Vice President.

Mr. Elrod then entertained nominations for Clerk of the Council. Councillor Holmes nominated Mrs. Beverly S. Rippy, for Clerk of the Council, seconded by Councillor Cottingham. Councillor Cottingham moved, seconded by Councillor Holmes, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Mrs. Beverly S. Rippy as Clerk of the Council.

Mr. Elrod then returned the gavel to President SerVaas.

### **Reappointment of Staff**

President SerVaas requested the following staff members to be reappointed:

Assistant Clerk & Office Manager - Suellen J. Hart

Assistant Clerk - Lynda J. Ludlow

Assistant Clerk - Peggy Stawick

General Counsel - Robert G. Elrod

January 9, 1989

Senior Financial Analyst - J. Jack Hartnett

Research Director - Thomas H. Stoughton

Assistant Attorney - Kenneth T. Roberts

Assistant Research Director - Max L. Moser

There being no objections, these reappointments were made.

#### **Certification of Caucus Leaders**

The undersigned Councillors having affiliated themselves with the caucus of the Republican Party, hereby certify that by a vote taken at that caucus on the 14th of November, 1988, Stephen R. West was selected as caucus leader.

Philip C. Borst  
Richard F. Clark  
Beulah Coughenour  
William A. Dowden  
Kenneth N. Giffin  
Holley M. Holmes  
David P. McGrath  
Stuart W. Rhodes  
Julius F. Shaw  
John Solenberg  
Stanley P. Strader

David Brooks  
Dwight Cottingham  
Carlton E. Curry  
Allen L. Durnil  
Gordon G. Gilmer  
Ray R. Irvin  
Beverly Mukes-Gaither  
William Schneider  
Beurt SerVaas  
Betty Stewart  
Stephen R. West

The undersigned Councillors having affiliated themselves with the caucus of the Democrat Party, hereby certify that by a vote taken at that caucus on the 14th of November, 1988, Glenn L. Howard was selected as caucus leader.

Rozelle Boyd  
Harold Hawkins  
Paul Jones  
Susan Williams

Jeff Golc  
Glenn L. Howard  
Mary Bridget Moriarty

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

PROPOSAL NO. 665, 1988. This proposal approves a schedule of regular council meetings for the year 1989. At the November 28, 1988, Council Meeting, the first five months of this proposal were approved. The remaining seven months had been postponed for possible amendments. Councillor West moved to amend Proposal No. 665, 1988, by changing June 26 to June 19, July 24 to July 10 and August 7 to August 1. Proposal No. 665, 1988, was amended by unanimous voice vote. Councillor West moved, seconded by Councillor Howard, to adopt the remaining seven months of this proposal. The last seven months were adopted by unanimous voice vote.

*Journal of City-County Council*

Proposal No. 665, 1988, As Amended, was retitled COUNCIL RESOLUTION NO. 1, 1989, and the proposal in its entirety reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 1989

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1989.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 1989:

- |                               |                                 |
|-------------------------------|---------------------------------|
| 1) Monday - January 9, 1989   | 12) Monday - July 10, 1989      |
| 2) Monday - January 23, 1989  | 13) Tuesday - August 1, 1989    |
| 3) Monday - February 6, 1989  | 14) Monday - August 28, 1989    |
| 4) Monday - February 27, 1989 | 15) Monday - September 25, 1989 |
| 5) Monday - March 20, 1989    | 16) Monday - October 9, 1989    |
| 6) Monday - April 10, 1989    | 17) Monday - October 23, 1989   |
| 7) Monday - April 24, 1989    | 18) Monday - November 6, 1989   |
| 8) Monday - May 8, 1989       | 19) Monday - November 20, 1989  |
| 9) Monday - May 22, 1989      | 20) Monday - December 4, 1989   |
| 10) Monday - June 5, 1989     | 21) Monday - December 18, 1989  |
| 11) Monday - June 19, 1989    |                                 |

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

PROPOSAL NO. 700, 1988. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 700, 1988, on December 20, 1988. The proposal approves the Mayor's appointment of Michael D. Higbee as Director of the Department of Metropolitan Development for a term ending December 31, 1989. By a vote of 7-0, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Strader moved to postpone Proposal No. 700, 1988, until the next meeting. Without objection, the proposal was postponed.

PROPOSAL NOS. 698, 702, 705, 707, 709 and 710, 1988. Councillor SerVaas stated that unless there was objection, all these reappointments would be voted on together. PROPOSAL NO. 698, 1988. This proposal approves the Mayor's appointment of Donald R. McPherson as Director of the Department of Administration for a term ending December 31, 1989. The Administration Committee on January 5, 1989, recommended Proposal No. 698, 1988, Do Pass, by a 7-0 vote. PROPOSAL NO. 702, 1988. This proposal approves the Mayor's appointment of F. Arthur Strong as Director of the Department of Parks and Recreation for a term ending December 31, 1989. The Parks and Recreation Committee on January 5, 1989, recommended Proposal No. 702, 1988, Do Pass, by a 5-0 vote. PROPOSAL NO. 705, 1988. This proposal approves the Mayor's appointment of Joseph J. Shelton as Director of the Department of Public Safety for a term ending December 31, 1989. The Public Safety and Criminal Justice Committee on December 14, 1988, recommended Proposal No. 705, 1988, Do Pass, by a 7-0 vote. PROPOSAL NO. 707, 1988. This proposal approves the Mayor's appointment of Barbara S. Gole as Director of the Department of Public Works for a term ending December 31, 1989. The Public Works Committee on January 5, 1989, recommended Proposal No. 707, 1988, Do Pass, by a 6-0 vote. PROPOSAL NO. 709, 1988. This proposal approves the Mayor's appointment of certain persons as Deputy Mayors for a term ending December 31, 1989. The Rules and Policy Committee on December 21, 1989, recommended Proposal No. 709, 1988, Do Pass, by a 5-0 vote. PROPOSAL NO. 710, 1988. This proposal approves the Mayor's appointment of Joseph C. Staehler as Director of the Department of Transportation for a term ending December 31, 1989. The Transportation Committee on January 4, 1989, recommended Proposal No. 710,

January 9, 1989

1988, Do Pass, by a 6-0 vote. Councillor Shaw moved, seconded by Councillor McGrath, for adoption. Proposal Nos. 698, 702, 705, 707, 709 and 710, 1988, were adopted by unanimous voice vote.

Proposal No. 698, 1988, was retitled COUNCIL RESOLUTION NO. 2, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 1989

A COUNCIL RESOLUTION approving the Mayor's appointment of Donald R. McPherson as Director of the Department of Administration, for a term ending December 31, 1989.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana" a mayor's appointment of a Director of the Department of Administration, 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 Donald R. McPherson, to serve as Director of the Department of Administration at his pleasure for a term ending December 31, 1989; now, therefore:

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

SECTION 1. Donald R. McPherson is approved and confirmed by the City-County Council as Director of the Department of Administration for a term ending December 31, 1989 to serve at the pleasure of the Mayor.

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

Proposal No. 702, 1988, was retitled COUNCIL RESOLUTION NO. 3, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 1989

A COUNCIL RESOLUTION approving the Mayor's appointment of F. Arthur Strong as Director of the Department of Parks and Recreation, for a term ending December 31, 1989.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana" a mayor's appointment of a Director of the Department of Parks and Recreation, 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 F. Arthur Strong, to serve as Director of the Department of Parks and Recreation at his pleasure for a term ending December 31, 1989; now, therefore:

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

SECTION 1. F. Arthur Strong is approved and confirmed by the City-County Council as Director of the Department of Parks and Recreation for a term ending December 31, 1989 to serve at the pleasure of the Mayor.

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

Proposal No. 705, 1988, was retitled COUNCIL RESOLUTION NO. 4, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 1989

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph J. Shelton, as Director of the Department of Public Safety, for a term ending December 31, 1989.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana" a mayor's appointment of a Director of the Department of Public Safety, is subject to the approval of the City-County Council; and

*Journal of City-County Council*

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Joseph J. Shelton, to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 1989; now, therefore:

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

SECTION 1. Joseph J. Shelton is approved and confirmed by the City- County-Council as Director of the Department of Public Safety for a term ending December 31, 1989 to serve at the pleasure of the Mayor.

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

Proposal No. 707, 1988, was retitled COUNCIL RESOLUTION NO. 5, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 1989

A COUNCIL RESOLUTION approving the Mayor's appointment of Barbara S. Gole as Director of the Department of Public Works, for a term ending December 31, 1989.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana" a mayor's appointment of a Director of the Department of Public Works, 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 Barbara S. Gole, to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 1989; now, therefore:

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

SECTION 1. Barbara S. Gole is approved and confirmed by the City-County Council as Director of the Department of Public Works for a term ending December 31, 1989 to serve at the pleasure of the Mayor.

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

Proposal No. 709, 1988, was retitled COUNCIL RESOLUTION NO. 6, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 1989

A COUNCIL RESOLUTION approving the Mayor's appointment of certain persons as Deputy Mayors for a term ending December 31, 1989.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-143 of the "Code of Indianapolis and Marion County, Indiana" mayoral appointments of Deputy Mayors are 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 his appointees for deputy mayor, to serve at his pleasure for a term ending December 31, 1989; now, therefore:

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

SECTION 1. The following persons are approved and confirmed by the City- County Council for the respective office for the term ending December 31, 1989 to serve at the pleasure of the Mayor, to wit:

Senior Deputy Mayor - John P. Ryan  
Deputy Mayor - Joseph A. Slash  
Deputy Mayor - John L. Krauss

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

Proposal No. 710, 1988, was retitled COUNCIL RESOLUTION NO. 7, 1989, and reads as follows:



January 9, 1989

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 1989

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph C. Staehler as Director of the Department of Transportation, for a term ending December 31, 1989.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana" a mayor's appointment of a Director of the Department of Transportation, 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 Joseph C. Staehler, to serve as Director of the Department of Transportation at his pleasure for a term ending December 31, 1989; now, therefore:

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

SECTION 1. Joseph C. Staehler is approved and confirmed by the City-County Council as Director of the Department of Transportation for a term ending December 31, 1989 to serve at the pleasure of the Mayor.

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

PROPOSAL NO. 47, 1989. This proposal requests the Council to study whether Indianapolis should administer its own Section 8 housing program. Councillor Strader asked that this proposal be sent to the Community Affairs Committee. The president referred the proposal to the Community Affairs Committee.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 5, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$58,405 for the Department of Administration, Purchasing Division, to position purchasing agents in the Indianapolis Police and Fire Departments"; and the President referred it to the Administration Committee.

PROPOSAL NO. 6, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,915,000 for the Department of Administration, Central Equipment Management Division, to purchase vehicles for the Police Department"; and the President referred it to the Administration Committee.

PROPOSAL NO. 7, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION declaring the construction of a new Central Equipment Management Division Garage a necessity and implementing construction of the new garage"; and the President referred it to the Administration Committee.

PROPOSAL NO. 8, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION authorizing Marion County to purchase certain real property"; and the President referred it to the Administration Committee.

PROPOSAL NO. 9, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Ray Irvin and Richard Payne to the Audit Committee"; and the President referred it to the Administration Committee.

PROPOSAL NO. 10, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Doris

Stigler to the Community Centers of Indianapolis Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 11, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Dwight Cottingham to the Marion County Board of Tax Adjustment"; and the President referred it to the Administration Committee.

PROPOSAL NO. 12, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Beverly Mukes-Gaither, Robert G. Lugar, Rodney W. Hall and Charles Pechette to the Public Housing Advisory Council"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 13, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$50,500 for the Cooperative Extension Service to purchase a new copier"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 14, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Curt Coonrod and Dan C. Whitmore to the Information Services Agency Management Board"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 15, 1989. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 16, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing JoAnna Walker and Alan Retherford to the Metropolitan Board of Zoning Appeals, Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 17, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Lesa Dietrick and Mark Gibson to the Metropolitan Board of Zoning Appeals, Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 18, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Mary Jane Klepek and Bill Locey to the Metropolitan Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 19, 1989. Introduced by Councillor Irvin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amends the Code by adding a new Section 28-351, Memorial streets created, to provide for Memorial Streets"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 20, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Dorothy

McCormick to the Speedway Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 21, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$2,585,821 for the Department of Parks and Recreation, Administration Division, to upgrade existing facilities"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 22, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,915,000 for the Department of Public Safety, Police Division, to allow the Police Department to keep its fleet at the current level per the five year fleet plan"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 23, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$450,000 for the Prosecuting Attorney, Marion County Justice Agency and County Auditor to cover expenses incurred on implementation and design of the UTT phase of JUSTIS"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 24, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$363,617 for the Prosecuting Attorney, County Sheriff and County Auditor for two existing programs, Metro Drug Task Force and Division of Addictive Services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 25, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$152,800 for the Prosecuting Attorney to fund the Metro Drug Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 26, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$178,038 for the Prosecutor's Child Support IV-D Agency for the federally funded share of the Child Support computer upgrade"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 27, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$4,000 for the Marion County Community Corrections Agency to provide for increased caseloads and supply costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 28, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$18,540 for the Superior Court, Criminal Division, Room 2, to transfer funds from payroll to contractual services for public defenders"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 29, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,431,197 for the Department of Public Works, Office of the Director, to make the

service fee as agreed upon within the Service Agreement"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 30, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing and directing the execution of an appeal for an excess levy in conjunction with the expansion of the Solid Waste Collection Special Service District"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 31, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the implementation of a user fee in the Solid Waste Disposal Special Taxing District"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 32, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing the expansion of the Solid Waste Collection Special Service District"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 33, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION amending the Service Agreement between the City of Indianapolis and Ogden Martin Systems of Indianapolis, Inc."; and the President referred it to the Public Works Committee.

PROPOSAL NO. 34, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Thomas O. Hale and Jack Hall, M.D., to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 35, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Bruce Melchert to the Marion County Liquor Board"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 36, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing special parking privileges for police department vehicles on Porto Alegre, south of Michigan Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 37, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes in the Brunson Acres Subdivision, the Eagle Cove Subdivision and the Cross Creek Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 38, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 39, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code

January 9, 1989

by authorizing a traffic signal at High School Road and 56th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 40, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing two-way stops to traffic signals at Kessler Boulevard, North Drive and the 38th Street North and South ramps"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 41, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing a two-way stop to a traffic signal at Century Plaza Road and Georgetown Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 42, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes in Avon Creek Subdivision, Cardinal Cove Subdivision and Beam Reach Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 43, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing W. Wayne Burking and Howard Howe to the Board of Transportation"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 44, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by moving a traffic signal from Shadeland Avenue and Allstate Insurance Company to Shadeland Avenue, Eastgate Chrysler and Eastgate Mall"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 45, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing weight limit restrictions on a section of Trowbridge Street and Temple Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 46, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by prohibiting parking on both sides of Robbins Road from 86th Street to the north terminal (8815 North)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 48, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$400,000 in the County auditor's budget for the acquisition of a building to be used by the Sheriff for district offices"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 49, 1989. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to provide procedure for owners of property to avoid lien for sewer service charges on rental property"; and the President referred it to the Public Works Committee.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 1, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 1, 1989, on January 4, 1989. The proposal is a special ordinance authorizing the issuance of up to \$13,200,000 in Multi-Family Housing Revenue Refunding Bonds for Canal Square Project. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Stewart, for adoption. Proposal No. 1, 1989, was adopted on the following roll call vote; viz:

*23 YEAS: Borst, Boyd, Brooks, Cottingham, Curry, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

*0 NAYS*

*6 NOT VOTING: Clark, Coughenour, Dowden, Durnil, Hawkins, Mukes-Gaither*

Proposal No. 1, 1989, was retitled SPECIAL ORDINANCE NO. 1, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Multi-Family Housing Revenue Refunding Bonds (Canal Square Project) Series 1989 in the aggregate principal amount of not more than Thirteen Million Two Hundred Thousand Dollars (\$13,200,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

WHEREAS, 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 partnership for the purpose of refunding bonds issued 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 the issuer and a corporate trustee; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") intends to issue its City of Indianapolis, Indiana Multi-Family Housing Revenue Refunding Bonds (Canal Square Project) Series 1989 in the maximum aggregate principal amount of Thirteen Million Two Hundred Thousand Dollars (\$13,200,000) (the "Refunding Bonds") pursuant to a Trust Indenture between the Issuer and Bank One, Indianapolis, NA, as Trustee (the "Trustee"), dated as of January 1, 1989 (the "Trust Indenture") securing the Refunding Bonds, in order to obtain funds to lend Canal Square Limited Partnership, an Indiana limited partnership ("Canal Square"), pursuant to a Loan Agreement between the Issuer and Canal Square dated as of January 1, 1989 (the "Loan Agreement") for the purpose of currently refunding a portion of the City of Indianapolis, Indiana Multi-Family Housing Revenue Bonds (Canal Street Project) Series 1985 dated December 1, 1985 which were previously issued in the original aggregate principal amount of \$38,500,000 (the "Prior Bonds"), which were issued for the purpose of financing the cost of the acquisition, construction, installation and equipping of a multi-use complex containing approximately 350 multi-family residential rental housing units, 65,000 square feet of commercial/retail space and an approximately 450 vehicle parking garage containing approximately 525,000 gross square feet located at 430 West New York Street, Indianapolis, Indiana on approximately 2.84 acres of land; the acquisition, construction, installation and equipping of various site improvements at the facility; and the acquisition of machinery, equipment, fixtures and furnishings for use in the facility (the "Original Project"); and

WHEREAS, Sycamore Canal Associates, an Indiana limited partnership, changed its name to Canal Square Associates, an Indiana limited partnership, and is one of the general partners of Canal Square and the predecessor in interest to Canal Square and the aforesaid description of the economic development facilities has been revised and the economic development facilities to be acquired, constructed, installed and equipped are now described as the acquisition, construction, installation, equipping and improvement of approximately 275 rental residential units, approximately 15,000 square feet of commercial retail space and a parking structure containing approximately 450

January 9, 1989

parking spaces to be contained within a project to be located on an approximately 3.1 acre tract of land located at the northeast corner of the intersection of New York Street and West Street, Indianapolis, Indiana; the acquisition, construction installation, and equipping of various site improvements and the acquisition of certain land at the facilities; and the acquisition of machinery equipment, fixtures and furnishings for use in the facilities (the "Revised Project").

WHEREAS, the Loan Agreement provides for the repayment by Canal Square of the loan of the proceeds of the Refunding Bonds and further provides (i) for Canal Square's repayment obligation to be evidenced by Canal Square's Note (the "Note") and (ii) for such loan and the Note to be secured by the lien and security interest therein provided for, and (iii) for the issuance of an irrevocable direct pay letter of credit (the "Credit Facility" as defined in the Loan Agreement) under the Reimbursement and Credit Agreement between Canal Square and Societe Generale, Houston Agency (the "Bank") dated as of January 1, 1989 providing for the issuance by the Bank of its irrevocable direct pay letter of credit in favor of the Trustee (the "Credit Facility Agreement" as defined in the Loan Agreement); and

WHEREAS, pursuant to the Trust Indenture, the Issuer will endorse the Note without recourse and assign certain of its rights under the Loan Agreement as security for the Refunding Bonds which are payable solely and only out of the payments to be made by Canal Square with respect to the Note or payments to be made pursuant to the Credit Facility Agreement, and any other Notes issued under the Loan Agreement except to the extent paid out of Refunding Bond proceeds and proceeds of condemnation and insurance; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") on January 4, 1989 adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the current refunding of a portion of the Prior Bonds, which were issued to finance the Original Project, which will be initially owned by Canal Square, through the issuance of the Refunding Bonds complies with the purposes and provision of the Act and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement (including the Note); Trust Indenture; Credit Facility Agreement (including the exhibits thereto); Bond Purchase Agreement among Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Underwriter"); Issuer and Canal Square dated January 17, 1989 (the "Bond Purchase Agreement"); Remarketing Agreement among Issuer, Canal Square, the Trustee, and the Merrill Lynch Capital Markets, Merrill Lynch, Pierce, Fenner & Smith Incorporated, a Delaware Corporation (the "Remarketing Agent") dated as of January 1, 1989 (the "Remarketing Agreement"); Preliminary Official Statement; the Redemption Agreement dated as of January 1, 1989 by and among the Issuer, Canal Square, Trustee and First Security National Bank & Trust Company, Lexington, Kentucky, and Union State Bank, Carmel, Indiana, acting as Trustee (collectively the "Prior Trustee") under that certain Trust Indenture dated as of December 1, 1985 by and between the Issuer and the Prior Trustee (the "Prior Indenture"); the First Amendment to Regulatory Agreement dated as of January 1, 1989 among the Issuer, Canal Square, Trustee and Prior Trustee; and the form of the Refunding Bonds (hereinafter referred to collectively as the "Financing Documents") 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 Revised Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of Refunding Bonds, the loan of the proceeds thereof to Canal Square for the purposes of currently refunding a portion of Prior Bonds and financing the Revised Project, and the repayment of said loan by Canal Square and as further provided for by Financing documents, will be of benefit to the health and 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 are hereby approved, and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Refunding Bonds in the aggregate principal amount of not more than Thirteen Million Two Hundred Thousand Dollars (\$13,200,000) for the purpose of procuring funds to loan to Canal Square in order to finance the economic development facilities, heretofore referred to as the Revised Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Refunding Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Canal Square on its Note in the principal amount equal to the aggregate principal amount of Refunding Bonds issued which will be executed and delivered by Canal Square to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Refunding Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer but shall be a limited obligation payable solely

*Journal of City-County Council*

from the amounts payable under the Loan Agreement and other revenues of the Revised Project pledged thereto. Neither the Issuer, the State of Indiana nor any other political subdivision of the State of Indiana shall be obligated to pay the principal of or interest on such Refunding Bonds or other costs incident thereto except from the revenues of the Revised Project pledged therefor. Neither the faith and credit nor the taxing power of the Issuer, the State of Indiana or any political subdivision of the State of Indiana is pledged to the payment of the principal of, or premium, if any, or interest on the Bonds or other costs incident thereto.

SECTION 4. The City Clerk or City Controller is authorized and directed to sell the Refunding Bonds to the Underwriter at a price equal to 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest which shall be determined in the manner set forth in the Financing Documents; provided, however, that such stated per annum rate of interest shall never exceed twelve percent (12.0%) per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and their execution in hereby confirmed, on behalf of the Issuer and any other document, including certificates, which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Refunding Bonds may be facsimile signatures. The City Clerk or City Controller is authorized to arrange for the delivery of such Refunding Bonds to the Underwriter 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 on the Refunding Bonds or their manual signatures thereof, 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 Indianapolis Economic Development Commission if such changes do not affect terms set forth in Indiana Code 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing and remarketing of the Refunding Bonds.

SECTION 7. Canal Square and the Trustee are authorized to carry out the procedures specified in the Trust Indenture for the completion of the Revised Project. Such procedures shall include reimbursement to Canal Square for all advances made by Canal Square toward the costs of the Revised Project in contemplation of the issuance of the Refunding Bonds in reliance on the commitment of the Issuer in the original Inducement Resolution approved by the Special Resolution No. 148, 1985 adopted by this City-County Council on October 15, 1985 which are properly payable from the proceeds of the Refunding Bonds.

SECTION 8. Bank One, Indianapolis, NA is hereby designated as the initial corporate trustee under the Trust Indenture and also as an initial paying agent and an initial bond registrar for the Refunding Bonds.

SECTION 9. Merrill Lynch Capital Markets, Merrill Lynch, Pierce, Fenner & Smith Incorporated, a Delaware Corporation is hereby designated as the initial Remarketing Agent under the Remarketing Agreement for the Refunding Bonds.

SECTION 10. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holders of the Refunding Bonds and after the issuance of said Refunding Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holders so long as said Refunding Bonds or the interest thereon remains unpaid except as permitted by the Financing Documents.

SECTION 11. If any section, paragraph, clause or provision of this special ordinance shall be ruled by any court of competent jurisdiction to be invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the remaining provisions hereof.

SECTION 12. All ordinances, resolutions, and orders, or parts thereof, in conflict with the provisions of this special ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 13. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**PROPOSAL NO. 2, 1989.** Councillor Schneider reported that the Economic Development Committee heard Proposal No. 2, 1989, on January 4, 1989. The proposal is an inducement resolution authorizing economic development bond proceedings for a certain Piccadilly Corporation Project, not to exceed \$1,450, 000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Boyd, for adoption. Proposal No. 2, 1989, was adopted on the following roll call vote; viz:



January 9, 1989

25 YEAS: *Borst, Boyd, Brooks, Cottingham, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

0 NAYS

4 NOT VOTING: *Clark, Coughenour, Durnil, Mukes-Gaither*

Proposal No. 2, 1989, was retitled SPECIAL RESOLUTION NO. 1, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 1, 1989

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

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

WHEREAS, Piccadilly Corporation (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, renovate, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development project described as an eight (8) story apartment building located at 28 East 16th Street, Indianapolis, Indiana 46202 containing approximately 46,466 square feet and located on approximately .76 acres of land, which is currently being used as an apartment building, but which is in need of renovation and will continue to be used for apartments after renovation; the acquisition, construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, fixtures and furnishings for use in the facilities (the "Project"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately 7 at the end of one year, such jobs to include construction jobs related to the renovation of the Project, and 2 at the end of three years) and the creation of business opportunities to be achieved by the acquisition, renovation, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, renovation, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in the City of Indianapolis, Indiana; now therefore:

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$1,450,000 under the Act to be privately placed or publicly offered with credit enhancement, which may include collateralization by the Government National Mortgage Association, subject to the project site being designated as an Economic Development Revitalization Area pursuant to I.C. 6-1.1-12.1, for the acquisition, renovation, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the hat (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires July 31, 1989 unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the government

body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer by official action extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the Issuer by taking this action is not making any representation nor any assurance that any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and (3) no portion of such private activity bond limit has been guaranteed for the proposed project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 3, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 3, 1989, on January 4, 1989. The proposal is an inducement resolution authorizing economic development bond proceedings for a certain Marleigh Corporation Project, not to exceed \$1,400,000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Boyd, for adoption. Proposal No. 3, 1989, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Curry, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*  
0 NAYS  
4 NOT VOTING: *Coughenour, Dowden, Durnil, Mukes-Gaither*

Proposal No. 3, 1989, was retitled SPECIAL RESOLUTION NO. 2, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 2, 1989

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

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

WHEREAS, Marleigh Corporation (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, renovate, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development project described as a six (6) story apartment building located at 1434 North Delaware Street, Indianapolis, Indiana 46202 containing approximately 32,230 square feet and located on approximately .76 acres of land, which is currently a vacant apartment building, is in need of renovation and will continue to be used for apartments after renovation; the acquisition,

January 9, 1989

construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, fixtures and furnishings for use in the facilities (the "Project"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately 7 at the end of one year, such jobs to include construction jobs related to the renovation of the Project, and 2 at the end of three years) and the creation of business opportunities to be achieved by the acquisition, renovation, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, renovation, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in the City of Indianapolis, Indiana; now therefore:

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$1,400,000 under the Act to be privately placed or publicly offered with credit enhancement, which may include collateralization by the Government National Mortgage Association, subject to the project site being designated as an Economic Development Revitalization Area pursuant to I.C. 6-1.1-12.1, for the acquisition, renovation, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, construction, installation and equipping of the Project, this Commission hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires July 31, 1989 unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the government body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer by official action extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the Issuer by taking this action is not making any representation nor any assurance that any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and (3) no portion of such private activity bond limit has been guaranteed for the proposed project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

*Journal of City-County Council*

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

PROPOSAL NO. 4, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 4, 1989, on January 4, 1989. The proposal is a resolution extending the expiration date contained in an inducement resolution adopted on July 25, 1988, for Shephard Poorman Communications Corporation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Boyd, for adoption. Proposal No. 4, 1989, was adopted on the following roll call vote; viz:

*23 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

*0 NAYS*

*6 NOT VOTING: Borst, Dowden, Dumil, Hawkins, McGrath, Mukes-Gaither*

Proposal No. 4, 1989, was retitled SPECIAL RESOLUTION NO. 3, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 3, 1989

A SPECIAL RESOLUTION amending City-County Special Resolution No. 39, 1988 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 39, 1988 (the "Inducement Resolution") has been previously adopted by the City-County Council of The City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Shepard Poorman Communications Corporation (the "Company") which Inducement Resolution set an expiration date of January 31, 1989 unless the economic development revenue bonds for the Project have 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 term of the inducement resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of January 31, 1989 contained therein and replacing said date with the date of July 31, 1989.

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

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

PROPOSAL NOS. 50 - 58, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 22, 1988". The Council did not schedule Proposal Nos. 50 - 58, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 50 - 58, 1989, were retitled REZONING ORDINANCE NOS. 1 - 9, 1989, and are identified as follows:

REZONING ORDINANCE NO. 1, 1989. 88-Z-234 (AMENDED) WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 12

January 9, 1989

9751 EAST 25TH STREET, INDIANAPOLIS.  
CLOVERLEAF PROPERTIES, AN INDIANA PARTNERSHIP, by Philip A. Nicely, requests the rezoning of 4.939 acres, being in the A-2 district, to the D-4 classification, to provide for residential development.

REZONING ORDINANCE NO. 2, 1989. 88-Z-245 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 2  
5210 MICHIGAN ROAD, INDIANAPOLIS.  
THE METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of 0.50 acre, being in the SU-1 district, to the D-S classification, to correct a map error as per commitments in rezoning petition 74-Z-150.

REZONING ORDINANCE NO. 3, 1989. 88-Z-249 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 22  
17 NORTH HIGHLAND AVENUE, INDIANAPOLIS.  
ROD COLLIER, by Mary E. Solada, requests the rezoning of 0.25 acre, being in the SU-1 district, to the D-8 classification, to provide for the conversion of a double family residence to a boarding house.

REZONING ORDINANCE NO. 4, 1989. 88-Z-254 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
4301 EAGLE CREEK PARKWAY, INDIANAPOLIS.  
ECKES-VERMOEGENS VERMALTUNGS-GMBH, by ISG, Inc., by Mary E. Solada, requests the rezoning of 13.06 acres, being in the PK-2 district, to the PK-1 classification, to provide for park use.

REZONING ORDINANCE NO. 5, 1989. 88-Z-257 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 12  
6433 EAST 30TH STREET, INDIANAPOLIS.  
THE BURKE COMPANY, by Phillip H. Minton, requests the rezoning of 0.75 acre, being in the D-8 district, to the I-3-S classification, to permit storage and lease of contractor's equipment.

REZONING ORDINANCE NO. 6, 1989. 88-Z-259 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
8350 BLUFF ROAD, INDIANAPOLIS.  
THE GLORIOUS CHURCH OF GOD, by Michael J. Kias, requests the rezoning of 7.38 acres, being in the A-2 district, to the SU-1 classification, to permit church use.

REZONING ORDINANCE NO. 7, 1989. 88-Z-262 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 8  
3402 GEORGETOWN ROAD, INDIANAPOLIS.  
O.B. LIQUORS, by James R. Nickels, requests the rezoning of 0.63 acres, being in the D-4 district, to the C-3 classification, to conform zoning to its use.

REZONING ORDINANCE NO. 8, 1989. 88-Z-264 (88-DP-9) PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
5150 WEST 56TH STREET, INDIANAPOLIS.  
DAVIS DEVELOPMENT CORPORATION, by Stephen D. Mears, requests the rezoning of 39.41 acres, being in the A-2, D-6II and SU-43 districts, to the DP classification, to provide for a residential planned unit development.

REZONING ORDINANCE NO. 9, 1989. 88-Z-265 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
5150 WEST 56TH STREET (REAR), INDIANAPOLIS.  
DAVIS DEVELOPMENT CORPORATION, by Stephen D. Mears, requests the rezoning of 21.43 acres, being in the A-2, SU-3 and SU-43 districts, to the D-6II classification, to provide for residential development.

PROPOSAL NOS. 59 - 62, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on January 5, 1989". The Council did not schedule Proposal Nos. 59 - 62, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 59 - 62, 1989, were retitled REZONING ORDINANCE NOS. 10 - 13, 1989, and are identified as follows:

REZONING ORDINANCE NO. 10, 1989. 88-Z-263 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
6710 SOUTH HARDING STREET, INDIANAPOLIS.  
INDIANAPOLIS WATER COMPANY, by Wilson S. Stober, requests the rezoning of 104 acres, being in the A-2 district, to the SU-39 classification, to provide for water utility uses.

REZONING ORDINANCE NO. 11, 1989. 88-Z-270 FRANKLIN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 13  
4520 INDEPENDENCE SQUARE, INDIANAPOLIS.

*Journal of City-County Council*

INDEPENDENCE SQUARE COMPANY requests the rezoning of 0.56 acre, being in the C-S district, to the C-S classification, to provide for an existing building to be used as a day care center in addition to the uses authorized by 77-Z-98.

REZONING ORDINANCE NO. 12, 1989. 88-Z-272 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 4

1225 EAST 86TH STREET, INDIANAPOLIS.

FRANK J. HABIG, JR. AND HABIG CORPORATION, by Mary E. Solada, request the rezoning of 0.80 acre, being in the C-4 and C-1 districts, to the C-S classification, for use as a garden and lawn center.

REZONING ORDINANCE NO. 13, 1989. 88-Z-273 DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19

5021 KENTUCKY AVENUE, INDIANAPOLIS.

STANLEY HAWKINS requests the rezoning of 1.22 acres, being in the SU-18 district, to the C-3 classification, to provide for commercial use.

PROPOSAL NO. 63, 1989. Introduced by Councillor Borst. The Clerk read the proposal entitled "REZONING ORDINANCE certified by the Metropolitan Development Commission on January 5, 1989". The Council did not schedule Proposal No. 63, 1989, for hearing pursuant to IC 36-7-4-608. Proposal No. 63, 1989, was retitled REZONING ORDINANCE NO. 14, 1989, and is identified as follows:

REZONING ORDINANCE NO. 14, 1989. 88-Z-176 (AMENDED) LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 3

APPROX. 5602 CAITO DRIVE, INDIANAPOLIS.

LAWRENCE CENTRE ASSOCIATES, by Mary E. Solada, requests the rezoning of 7.6 acres, being in the C-2 district, to the SU-6 classification, to provide for the development of a private psychiatric hospital.

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

PROPOSAL NO. 697, 1988. Councillor Rhodes reported that the Administration Committee heard Proposal No. 697, 1988, on January 5, 1989. The proposal appropriates \$355,504 for the Department of Administration, Director's Office, for a new phone system to allow expansion to another building. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Rhodes stated that an amendment was in order for Character 3. Instead of \$208,154 only \$188,154 is needed; making the total fiscal amount \$335,504 rather than \$355,504. Councillor Curry moved, seconded by Councillor West, to amend Proposal No. 697, 1989, by changing the fiscal total to \$335,504, by removing \$20,000 from Character 3. The amendment was adopted by unanimous voice vote.

The President called for public testimony at 7:52 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 697, 1988, As Amended, was adopted on the following roll call vote; viz:

*20 YEAS: Borst, Boyd, Clark, Cottingham, Coughenour, Curry, Dumil, Giffin, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Rhodes, Shaw, Solenberg, Stewart, West*

*3 NAYS: Moriarty, Schneider, Williams*

*6 NOT VOTING: Brooks, Dowden, Holmes, Mukes-Gaither, SerVaas, Strader*

Proposal No. 697, 1988, As Amended, was retitled FISCAL ORDINANCE NO. 1, 1989, and reads as follows:

#### **CITY-COUNTY FISCAL ORDINANCE NO. 1, 1989**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Three Hundred Thirty-five Thousand Five Hundred four Dollars (\$335,504) in the City General Fund for purposes of the Department of Administration, Director's Office, and reducing the unappropriated and unencumbered balance in the City General Fund.

January 9, 1989

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Administration, Director's Office, to purchase a new phone system to allow the expansion to another building, more accurately and efficiently account and rebill to users and reduce repair problems.

SECTION 2. The sum of Three Hundred Thirty-five Thousand Five Hundred four Dollars (\$335,504) 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 appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION <u>DIRECTOR'S OFFICE</u>	<u>CITY GENERAL FUND</u>
1. Personal Services	\$ 72,500
2. Supplies	74,850
3. Other Services & Charges	<u>188,154</u>
TOTAL INCREASE	\$335,504

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>CITY GENERAL FUND</u>
Unappropriated and Unencumbered City General Fund	<u>\$335,504</u>
TOTAL REDUCTION	\$335,504

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

PROPOSAL NO. 701, 1988. Councillor Durnil reported that the Parks and Recreation Committee heard Proposal No. 701, 1988, on January 5, 1989. The proposal appropriates \$1,100,000 for the Department of Parks and Recreation, Administration Division, to construct a police quadrant headquarters building within Washington Park. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Durnil stated that the proposal needs to be postponed until the January 23rd meeting, because it needs to be re-advertised. Without objection, the proposal was postponed.

PROPOSAL NO. 703, 1988. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 703, 1988, on December 14, 1988. The proposal appropriates \$768,426 for the Department of Public Safety, Metropolitan Emergency Communications Agency, to establish and maintain the technical support for the implementation of E-911 and a county-wide radio system. By a 5-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider asked about the cellular phones. Councillor Dowden explained that the phones were needed for the technicians in the field to be able to communicate to each other. Councillor Schneider, voiced his concerns that he is not convinced that MECA needs these phones.

Gen. Daniel French, Director of MECA, explained that the technicians use the master street address guide, and if there is a discrepancy in the address, they need to call in and confirm it.

Councillor Schneider moved, seconded by Councillor Boyd, to amend Proposal No. 703, 1988, by removing \$12,000 from Character 3, changing the total of Character 3 from \$329,565 to \$317,565 and the total of the fiscal from \$768,426 to \$756,426. The amendment was adopted by unanimous voice vote.

The President called for public testimony at 8:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 703, 1988, As Amended, was adopted on the following roll call vote; viz:

17 YEAS: Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Hawkins, Holmes, Irvin, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Solenberg, West  
10 NAYS: Borst, Cottingham, Durnil, Giffin, Gilmer, Howard, Shaw, Stewart, Strader, Williams  
2 NOT VOTING: Golc, Jones

Proposal No. 703, 1988, As Amended, was retitled FISCAL ORDINANCE NO. 2, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Seven Hundred Fifty-six Thousand Four Hundred Twenty-six Dollars (\$756,426) in the Metropolitan Emergency Communications Fund for purposes of the Department of Public Safety, Metropolitan Emergency Communications Agency, and reducing the unappropriated and unencumbered balance in the Metropolitan Emergency Communications Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Metropolitan Emergency Communications Agency, to establish and maintain the technical support for the implementation of E-911 and a county-wide radio system.

SECTION 2. The sum of Seven Hundred Fifty-six Thousand Four Hundred Twenty-six Dollars (\$756,426) 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 appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>METROPOLITAN EMERGENCY COMMUNICATIONS FUND</u>
1. Personal Services	\$361,861
2. Supplies	25,000
3. Other Services & Charges	317,565
4. Capital Outlay	<u>52,000</u>
TOTAL INCREASE	\$756,426

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>METROPOLITAN EMERGENCY COMMUNICATIONS FUND</u>
Unappropriated and Unencumbered Metropolitan Emergency Communications Fund	<u>\$756,426</u>
TOTAL REDUCTION	\$756,426

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

PROPOSAL NO. 704, 1988. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 704, 1988, on December 14, 1988. The proposal appropriates \$184,712 for the County Sheriff to hire eight additional corrections officers to bring the inmate recreation hours in line with a Federal Court Order.



January 9, 1989

By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:28 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 704, 1988, was adopted on the following roll call vote; viz:

*20 YEAS: Brooks, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, Moriarty, Mukes-Gaither, SerVaas, Shaw, Solenberg, Stewart, Strader, West,*

*5 NAYS: Boyd, Durnil, McGrath, Schneider, Williams*

*4 NOT VOTING: Borst, Clark, Irvin, Rhodes*

Proposal No. 704, 1988, was retitled FISCAL ORDINANCE NO. 3, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Hundred Eighty-four Thousand Seven Hundred Twelve Dollars (\$184,712) 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 2.01 (z) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the County Sheriff to hire eight additional correction officers to bring inmate recreation hours in line with Federal Court Order.

SECTION 2. The sum of One Hundred Eighty-four Thousand Seven Hundred Twelve Dollars (\$184,712) 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 appropriations are hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$178,784
2. Supplies	4,488
3. Other Services & Charges	<u>1,440</u>
TOTAL INCREASE	\$184,712

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$184,712</u>
TOTAL REDUCTION	\$184,712

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

**SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 615, 1988. Councillor McGrath reported that the Rules and Policy Committee heard Proposal No. 615, 1988, on November 15, 1988. The proposal allows the Health and Hospital Corporation to create and disseminate pregnancy health warning posters. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McGrath asked that this proposal be postponed until the next meeting. Without any objection, the proposal was postponed.

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 680, 1988. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 680, 1988, on January 5, 1989. The proposal establishes procedures for expanding or deleting territory for the solid waste disposal special taxing districts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption. Proposal No. 680, 1988, As Amended, was adopted on the following roll call vote; viz:

*23 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Jones, McGrath, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

*0 NAYS*

*6 NOT VOTING: Borst, Dowden, Howard, Irvin, Moriarty, Schneider*

Proposal No. 680, 1988, As Amended, was retitled GENERAL ORDINANCE NO. 1, 1989, and reads as follows:

#### CITY-COUNTY GENERAL ORDINANCE NO. 1, 1989

A GENERAL ORDINANCE establishing procedures for expanding or deleting territory for the solid waste disposal special taxing districts.

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

SECTION 1. The "Revised Code of the Consolidated City and County, be, and is hereby amended by adding Section 111-51, Procedures for expanding or deleting territory of the solid waste disposal special taxing district, to read as follows:

Sec. 111-51. Procedures for expanding or deleting territory of the solid waste disposal special taxing district.

(a) The territory of the solid waste disposal special taxing district, may be expanded in accordance with the procedures in this section.

(b) Petition.

A petition to include additional territory in the district must be submitted to the Board of Public Works for study and recommendation. Such a petition must be signed by at least ten (10) interested residents in the proposed additional territory.

(c) Hearing.

After receiving the petition, the Board of Public Works shall set a date for a public hearing not sooner than 30 days thereafter, publish notice of the hearing in accordance with I.C. 5-3-1, and upon hearing the matter, determine whether the territory should be added to the district.

(d) Recommendation.

If the Board of Public Works recommends that all or part of the territory should be added to the district, it shall forward a proposed ordinance to the Council.

(e) Council action.

The Council shall introduce a proposal for an ordinance for expanding the district as recommended by the Board of Public Works. After public hearing, the Council may adopt an ordinance to expand the district to include all or part of the territory recommended by the Board of Public Works or may reject the expansion.

January 9, 1989

(f) Territory in the solid waste disposal special taxing district may be removed in the manner established in this section for expanding the district.

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

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

PROPOSAL NOS. 681, 682, 683, 684, and 711, 1988. Councillor SerVaas stated that unless there was objection, all these proposals would be voted on together. PROPOSAL NO. 681, 1989. This proposal amends the Code by authorizing intersection control changes at various locations in Charter Pointe Subdivision, Southern Lakes Subdivision and Brookfield Estates Subdivision. PROPOSAL NO. 682, 1989. This proposal amends the Code by authorizing intersection control changes at various locations in the Castel Ridge Subdivision. PROPOSAL NO. 683, 1989. This proposal amends the Code by authorizing a traffic signal at Girls School Road and Morris Street. PROPOSAL NO. 684, 1989. This proposal amends the Code by authorizing traffic signals at Blackford Street and Michigan Street, and Blackford Street and New York Street. PROPOSAL NO. 711, 1989. This proposal amends the Code by authorizing a four-way stop at Evanston Avenue and 71st Street.

Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 681, 682, 683, 684 and 711, 1989, on January 4, 1989. By 5-0 votes, the Committee reported the proposals to the Council with recommendations that they do pass. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal Nos. 681, 682, 683, 684 and 711, 1988, were adopted on the following roll call vote; viz:

24 YEAS: *Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dumil, Giffin, Gilmer, Golc, Holmes, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

0 NAYS

5 NOT VOTING: *Borst, Dowden, Hawkins, Howard, Irvin*

Proposal No. 681, 1988, was retitled GENERAL ORDINANCE NO. 2, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 1989

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 1	Colony Pointe E. Dr & Navigate Way	Colony Pointe E. Dr	Stop
6, Pg. 1	Colony Pointe W. Dr Passage Cir	Colony Pointe W. Dr	Yield
6, Pg. 1	Colony Pointe W. Dr Settlement S. Dr	Settlement S. Dr	Stop

*Journal of City-County Council*

6, Pg. 1	Colony Pointe E. Dr (SB), Colony Point E. Dr. (WB), & Settlement S. Dr	Colony Pointe E. Dr (SB) & Settlement S. Dr	Stop
48, Pg. 1	Combs Rd & Southern Lakes Dr N.	Combs Rd	Stop
48, Pg. 1	Glen Shire Le & Southern Lakes Dr	Southern Lakes Dr	Stop
48, Pg. 1	Lorene Cir & Lorene Ct	Lorene Ct	Yield
48, Pg. 1	Lorene Ct & Southern Lakes Dr N.	Southern Lakes Dr N.	Stop
47, Pg. 1	Brookfield Dr & Ehlerbrook Rd	Ehlerbrook Rd	Stop
47, Pg. 1	Brookfield Dr & Emerson Av	Emerson Av	Stop
47, Pg. 1	Brookfield Dr & Lynn Dr	Brookfield Dr	Stop
47, Pg. 1	Brookfield Dr & Parsley Le	Brookfield Dr	Stop
47, Pg. 1	Ehler Dr & Parsley Le	Ehler Dr	Stop
47, Pg. 1	Brookfield Dr & Rob Le	Brookfield Dr	Stop
47, Pg. 1	Ehler Dr & Emerson Av	Emerson Av	Stop
47, Pg. 1	Ehler Dr & Lynn Dr	Ehler Dr	Stop
47, Pg. 1	Ehler Dr & Rob Le	Ehler Dr	Stop

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

Proposal No. 682, 1988, was retitled GENERAL ORDINANCE NO. 3, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 1989

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 1	Castle Ridge Le & Castle Ridge Ct	Castle Ridge Le	Stop

January 9, 1989

6, Pg. 1	Castle Ridge Le & Castle Rock Ct	Castle Ridge Le	Yield
6, Pg. 1	Castle Ridge Le & S. Chatham Ct	Castle Ridge Le	Yield
6, Pg. 1	Castle Ridge Le & N. Chatham Ct	Castle Ridge Le	Yield
6, Pg. 1	Castle Ridge Le & Wakefield Ct	Castle Ridge Le	Yield
6, Pg. 1	Castle Ridge Le & Warwick Le	Castle Ridge Le	Stop
6, Pg. 1	Castle Ridge Le & 82nd St	82nd St	Stop
6, Pg. 2	Hague Rd & Warwick Le	Hague Rd	Stop

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

Proposal No. 683, 1988, was retitled GENERAL ORDINANCE NO. 4, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 1989

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29, Pg. 2	Girls School Rd & W. Morris St	None	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29, Pg. 2	Girls School Rd & Morris St	None	Signal

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

Proposal No. 684, 1988, was retitled GENERAL ORDINANCE NO. 5, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 1989

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

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

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

*Journal of City-County Council*

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, Pg. 3	N. Blackford St & W. Michigan St	W. Michigan St	Stop
24, Pg. 3	N. Blackford St & W. New York St	W. New York St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, Pg. 3	Blackford St & Michigan St	None	Signal
24, Pg. 3	Blackford St & New York St	None	Signal

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

Proposal No. 711, 1988, was retitled GENERAL ORDINANCE NO. 6, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 1989

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 6	Evanston Av & E. 71st St	E. 71st St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 6	Evanston Av & 71st St	None	Stop

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

PROPOSAL NO. 699, 1988. Councillor Rhodes reported that the Administration Committee heard Proposal No. 699, 1988, on January 5, 1989. The proposal approves an Amendment to the Franchise Contract between American Cablevision of Indianapolis, Inc. and the City of Indianapolis. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 699, 1988, was adopted on the following roll call vote; viz:

*25 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

*0 NAYS*

*4 NOT VOTING: Borst, Dowden, Durnil, Schneider*

January 9, 1989

Proposal No. 699, 1988, was retitled SPECIAL ORDINANCE NO. 2, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 1989

A SPECIAL ORDINANCE approving an Amendment to the Franchise Contract between American Cablevision of Indianapolis, Inc. and the City of Indianapolis, Indiana.

WHEREAS, on February 19, 1981, the City of Indianapolis, Indiana (the "City") and American Cablevision of Indianapolis, Inc. ("ACI") entered into a Franchise Contract, whereby ACI was granted by the City a cable television franchise to construct and operate a cable television system within a certain geographical area of the City (the "Franchise Contract"); and

WHEREAS, Article VI of the Franchise Contract requires the City to appoint a Citizens Advisory Committee comprised of five (5) members to serve certain advisory roles with relation to ACI and the operation of the cable television system; and

WHEREAS, Section 11.03 of the Franchise Contract states that the application submitted by ACI pursuant to the Code of Indianapolis and of Marion County, Indiana ("the Application"), is specifically incorporated therein by reference and states that ACI is bound by every promise, proposal and representation contained in the application as if such promises, proposals and/or representations were fully set forth in the Franchise Contract; and

WHEREAS, ACI wishes to modify the Franchise Contract by deleting and/or modifying certain promises, proposals, and/or representations set forth in its Applications, and a public hearing was held on such proposed modifications by the Cable Franchise Board of the City of Indianapolis, Indiana (the "Board") as required by the Cable Communications Policy Act of 1984 (47 U.S.C. Section 545); and

WHEREAS, on November 15, 1988 the Board approved an Amendment to Franchise Contract incorporating ACI's requested modifications to the Franchise Contract, subject to the approval of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council"); now, therefore:

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

SECTION 1. The Council hereby approves the Amendment to Franchise Contract between the City and ACI in the form which is attached hereto and incorporated herein by reference.

SECTION 2. The Director of the Office of Telecommunications and the Mayor are hereby authorized and directed to execute the Amendment to Franchise Contract on behalf of the City.

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

AMENDMENT TO FRANCHISE CONTRACT  
BETWEEN THE CITY OF INDIANAPOLIS, INDIANA  
AND AMERICAN CABLEVISION OF INDIANAPOLIS, INC.

This Amendment to Franchise Contract, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1988, by and between the City of Indianapolis, Indiana (the "City") and American Cablevision of Indianapolis, Inc., an Indiana Corporation with its principal place of business located at 3030 Roosevelt Avenue, Indianapolis, Indiana 46218 (the "Operator");

WITNESSETH THAT:

WHEREAS, on February 19, 1981, the City and the Operator entered into a Franchise Contract, whereby the Operator was granted by the City a cable television franchise to construct and operate a cable television system within a certain geographical area of the City (the "Franchise Contract"); and

WHEREAS, Article VI requires the City to appoint a Citizens Advisory Committee comprised of five (5) members to serve certain advisory roles with relation to the Operator and the operation of the cable television system; and

WHEREAS, the Operator wishes to have the Citizens Advisory Committee expanded to include nine (9) members; and

WHEREAS, Section 11.03 of the Franchise Contract states that the application submitted by the Operator pursuant to the Code of Indianapolis and of Marion County, Indiana (the "Application"), is specifically incorporated therein by reference and states that the Operator is bound by every promise, proposal and representation contained

*Journal of City-County Council*

in the application as if such promises, proposals and/or representations were fully set forth in the Franchise Contract; and

WHEREAS, the Operator wishes to modify the Franchise Contract by deleting and/or modifying certain promises, proposals, and/or representations set forth in its Applications, and a public hearing has been held on such proposed modifications, as required by the Cable Communications Policy Act of 1984 (47 U.S.C. Section 545); and

WHEREAS, the Cable Franchise Board of the City of Indianapolis, Indiana (the "Board") has approved the modifications to the Franchise Contract as set forth herein at its meeting on November 15, 1988, and the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council") has approved an ordinance approving the modifications to the Franchise Contract as set forth herein;

Now, therefore, the City and the Operator do hereby mutually agree that the Franchise Contract, including the Application, is hereby amended as follows:

1. Section 6.01 of the Franchise Contract is amended to provide that the Citizens Advisory Committee shall be comprised of nine (9) members, all of whom shall be residents living within the Territory, and none of whom shall be officials, employees or agents of the City of Indianapolis, of Marion County, Indiana, or the Operator. In making such appointments the Board shall appoint persons who are representative of the communities and groups served by the Operator's system giving due regard to the demographic characteristics of the Territory.
2. The Application is amended to delete the obligation of the Operator to locate a public access studio at Flanner House.
3. The Application is amended to delete all references to any obligation to provide additional public access studios other than the one currently located at 3030 Roosevelt Avenue.
4. The Application is amended to delete any obligation to provide an access stereo FM radio studio.
5. The Application is amended to eliminate the obligation to provide a second mobile unit for public access purposes.
6. The Application is amended to delete any obligation to provide portable modulators for public access purposes.
7. The Application is amended to delete the obligation to provide the staffing and financial commitments referred to on pages 19K and 28K of the Application.
8. The Application is amended to delete the obligation to provide any alpha numeric keyboards for public access purposes.
9. The Application is amended to delete the obligation to provide advisory boards for every public access channel provided that the Operator does provide at least one (1) such advisory board.
10. The amendments contained in this Amendment to the Franchise Contract, including the Application, shall not relieve the Operator of any obligation which it is currently meeting. All other terms and provisions of the Franchise Contract, including the promises, proposals and/or representations contained in the Application, which are not amended or modified by this Amendment to Franchise Contract, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties to this Amendment to Franchise Contract have hereunto set their hands as of the date first written above.

AMERICAN CABLEVISION OF  
INDIANAPOLIS, INC. ("Operator")

\_\_\_\_\_  
Signature

CITY OF INDIANAPOLIS, INDIANA  
("City")

\_\_\_\_\_  
Lloyd Jacobs  
Director of Office of  
Telecommunications

\_\_\_\_\_  
William H. Hudnut, III, Mayor

APPROVED AS TO LEGAL FORM AND  
ADEQUACY THIS \_\_\_ DAY OF \_\_\_\_\_  
1988



January 9, 1989

James B. Burroughs  
Chief Council, Economic Development

PROPOSAL NO. 706, 1988. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 706, 1988, on December 14, 1988. The proposal amends the Code, by codifying Part I of Appendix A, and adding a section to allow Firefighters an additional 24 hour duty day off per year and reduce overtime. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 706, 1988, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, Williams  
0 NAYS  
2 NOT VOTING: Borst, West

Proposal No. 706, 1988, was retitled GENERAL ORDINANCE NO. 7, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", to codify Part I of Appendix A, and adding a section to allow certain firefighters an "F.L.S.A." Day.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", be, and is hereby amended by codifying Part I of Appendix A as Article VII in Chapter 23, and adding a new section to read as follows:

ARTICLE VII. FIREFIGHTER

PERSONNEL RULES.

Sec. ~~1~~ 23-71. Holidays; additional pay.

Because of the nature of the work of the members of the Indianapolis Fire Force, many members therein in the regular rotation of their duties are required to work on the following holidays, when other citizens are free from the duties of their employment, to-wit:

New Year's Day	Independence Day
<del>Washington's Birthday</del> President's Day	Labor Day
Easter Sunday	Veterans Day
Decoration Day	Thanksgiving Day
Discovery Day	Christmas Day

Because of the increased pressures of the work of the fire force and the around-the-clock requirement for those who are engaged in such work, it is deemed by this ~~fire special service district~~ city-county council that they shall be granted additional pay of fifty dollars (\$50.00) per day for working on any of the ten (10) listed holidays.

Sec. ~~2~~ 23-72.

(a) Each active member of the Indianapolis Fire Department hired on or before December 31, 1984, shall receive hereafter not less than one hundred sixty-eight (168) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said fire department hired on or before December 31, 1984, who shall have served from ten (10) years to twenty (20) years on said department shall receive not less than two hundred forty (240) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired on or before December 31, 1984, who shall serve for more than twenty (20) years shall be entitled to one additional duty day to be added to his regular annual leave. Annual leave shall be taken within the

*Journal of City-County Council*

calendar year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of two hundred forty (240) hours of earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the fire department.

(b) Each active member of the Indianapolis Fire Department hired after December 31, 1984, shall receive hereafter not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said fire department hired after December 31, 1984, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on said department shall receive not less than one hundred sixty-eight (168) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired after December 31, 1984, who shall have served fifteen (15) or more continuous years on said department shall receive not less than two hundred forty (240) hours annual leave. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of three hundred twelve (312) hours of earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the fire department. Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.

(c) Annual leave taken pursuant to this section shall be taken in increments of not less than one (1) duty day. "Duty day" shall mean twenty-four (24) hours for members of the department assigned to the suppression division, and eight (8) hours for all other members of the department.

Sec. 3 ~~23-73~~. Sick leave.

(a) Any active member of the Indianapolis Fire Department hired on or before December 31, 1984, who is unable to perform the duties of his employment by reason of sickness, accident or injury is entitled to not less than ninety (90) calendar days' sick leave with full pay in a calendar year, or for the period of such incapacity, should said period be less than ninety (90) days. In the case of an officer incurring a sickness, accident or injury in the direct line of duty the chief, with the approval of the merit board, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work, he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof.

(b) Any active member of the Indianapolis Fire Department hired after December 31, 1984, shall receive sick leave as follows:

(1) On-duty injury. Any active member of the Indianapolis Fire Department hired after December 31, 1984, who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by a medical doctor or psychologist retained by the department, shall be entitled to such leave with full pay for the period of such incapacity; however, such sick leave period shall not exceed ninety (90) calendar days in a calendar year. The chief, with the approval of the merit board, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies and procedures for the administration of paid sick leave and extensions thereof.

(2) Nonduty injury.

(i) Definitions.

a. "Sick leave" shall mean time off granted a firefighter whose illness, accident, injury or disability prevents him/her from performing duties directed by the department. Sick leave is intended to provide relief from loss of pay in cases of absence from work duty to established incapacity to perform assigned duties, as defined and directed by the department, but is not to be regarded as an optional leave right.

b. "Reasonable evidence" shall mean a certificate from a medical doctor licensed to practice medicine or a licensed psychologist and retained by the department that the subject firefighter is incapable of performing assigned duties as defined and directed by the department. Before granting or continuing sick leave with pay, the department may require evidence that the employee is actually sick or disabled.

(ii) Accrual.

January 9, 1989

a. Upon commencement of employment, firefighters shall have a bank of ninety-six (96) hours of sick leave for nonduty illnesses, accidents or injuries. Upon completion of one year of employment, firefighters shall accrue sick leave at the rate of eight (8) hours per month, ninety-six (96) hours per year.

b. Those firefighters who are starting to work on or before the fifteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.

c. Those firefighters who are starting to work on or after the sixteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.

d. The firefighter must work a month before any time can be credited to his/her account.

e. Sick leave time will only accrue if a firefighter works or is paid for more than one-half the month; accrue sick leave or other fringe benefits while receiving pension disability payments.

(iii) Separation from employment. Accrued sick leave will not be paid upon termination, except as follows: Upon separation from employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement benefits under state law, or in the event of a layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation or accrued accumulated sick leave at one-half his or her regular daily rate of compensation.

(iv) Carryover. Accrued sick leave may be carried over from year to year.

(c) Compliance with departmental policy. All sick leave due to sicknesses, accidents and injuries must comply with departmental rules, regulations, orders and standard operating procedures.

(i) Unearned leave. Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.

(ii) Justification. The burden of proof rests with the firefighter to demonstrate to the department that sick leave is justifiable. The department may require a medical certificate or other evidence of illness as requested. Sick leave is only to be used for personal illness or injury.

(iii) Sick leave abuse. In the case of sick leave abuse, the department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary actions, including dismissal.

(iv) Charging sick leave. Sick leave may only be taken in eight (8) hour increments; provided, that those firefighters who work on a twenty-four hour on/forty-eight hour off shift, may only take sick leave in twenty-four hour increments.

(v) Accrual of other paid leave. Vacation days shall accrue to firefighters while on paid sick leave.

Sec. 4 ~~23-74~~. Perfect attendance leave.

(a) ~~Beginning January 1, 1978, a~~ Any member of said fire department who is assigned to fire suppression activity and on duty for an average of fifty-six (56) hours per week and who does not use any sick leave during a calendar year shall receive two (2) twenty-four hour compensatory perfect attendance leave days with full pay in addition to any vacation provided to said member. Those active members on duty less than fifty-six (56) hours per week who have not used any sick leave during a calendar year shall receive two (2) eight-hour compensatory perfect attendance leave days in addition to any vacation provided thereto.

(b) Said two (2) perfect attendance leave days shall be earned as follows:

(1) All members who do not use any sick leave days during the first six (6) months of any calendar year shall be entitled to one perfect attendance leave day in the succeeding calendar year.

(2) A second such day shall be awarded for those members not using any sick leave during the last six (6) months of said year.

(c) Such perfect attendance leave days are noncumulative and shall be awarded at the pleasure of the chief of the fire department during the succeeding calendar year, so long as the granting of such leave does not necessitate the use of supplementary manpower nor incur additional costs to the fire department. During declared emergencies all leave days, including compensatory perfect attendance days, may be canceled for the duration of said emergencies.

Journal of City-County Council

Sec. 23-75. F.L.S.A. Day.

All active members of the Indianapolis Fire Department below the rank of district chief who are assigned to the operations division shall be entitled to one twenty-four (24) hour duty off per calendar year. This F.L.S.A. Day shall be scheduled by the department in accordance with rules developed by the department.

SECTION 2. (a) 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.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NO. 708, 1988. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 708, 1988, on January 5, 1989. The proposal approves the sale of certain real estate of the Department of Public Works. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 708, 1988, was adopted on the following roll call vote; viz:

*26 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*  
*0 NAYS*  
*3 NOT VOTING: Borst, Giffin, Schneider*

Proposal No. 708, 1988, was retitled SPECIAL RESOLUTION NO. 4, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 4, 1989

A SPECIAL RESOLUTION approving the sale of certain real estate of the Department of Public Works.

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

SECTION 1. The City-County Council approves, pursuant to I.C. 36-1-11-3, the sale of the following real property by the Department of Public Works.

<u>Location</u>	<u>Appraised Value</u>
3333 Massachusetts Avenue	\$31,000

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

**NEW BUSINESS**

Councillor West moved, seconded by Councillor Howard, to strike Proposal Nos. 168, 304 and 574, 1988.

Proposal Nos. 168, 304 and 574, 1988, were stricken by unanimous voice vote.

January 9, 1989

**ANNOUNCEMENTS AND ADJOURNMENT**

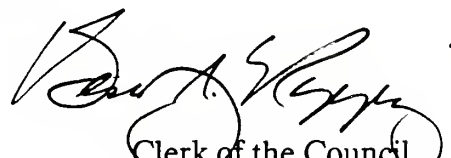
There being no further business, upon motion duly made and seconded, the meeting adjourned at 9:10 p.m.

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 9th day of January, 1989.

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)