

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

**REGULAR MEETINGS
MONDAY, JULY 22, 1991**

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 7:14 p.m. on Monday, July 22, 1991, with Councillor SerVaas presiding.

Councillor Ruhmkorff led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

Councillor Irvin requested a moment of silence in memory of Vatchell White who recently passed away.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

26 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams
3 ABSENT: Hawkins, Holmes, Shaw

A quorum of twenty-six 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:

Journal of the City-County Council

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, July 22, 1991, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

July 2, 1991

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, July 11, 1991, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 332, 333, 334 and 336, 1991, to be held on Monday, July 22, 1991, at 7:00 p.m., in the City-County Building.

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

July 8, 1991

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. 44, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the City General Fund for purposes of the Department of Administration, Office of the Director and reducing the unappropriated and unencumbered balance in the City General Fund.

FISCAL ORDINANCE NO. 45, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Hundred Twenty-five Thousand Dollars (\$225,000) in the County General Fund for purposes of the Court Services Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 46, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Three Thousand Eight Hundred Ninety-three Dollars (\$3,893) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 77, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 78, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 79, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 80, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-166, One-way streets and alleys designated.

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GENERAL ORDINANCE NO. 81, 1991, amending the "Code of Indianapolis and Marion County, Indiana,"
Section 29-267, Parking prohibited at all times on certain streets.

Respectfully,
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.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 367, 1991. This proposal, sponsored by Councillors Boyd and Howard, concerns John Morton-Finney, who at 101 years of age, is the oldest practicing attorney in America. Councillor Boyd read the resolution and stated that a framed copy would be presented to Dr. Finney on August 9, 1991. Councillor Boyd moved, seconded by Councillor Howard, for adoption. Proposal No. 367, 1991 was adopted by unanimous voice vote.

Proposal No. 367, 1991 was retitled SPECIAL RESOLUTION NO. 63, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 1991

A SPECIAL RESOLUTION concerning John Morton-Finney.

Whereas, John Morton-Finney, at 101 years old is the oldest practicing attorney in America; and,

Whereas, John Morton-Finney has eleven (11) degrees plus numerous awards, and speaks six (6) foreign languages; and,

Whereas, John Morton-Finney served with the twenty-fourth U.S. Infantry in the Philippines from 1911-1914; the American Expeditionary Force in France during World War I and was in charge of the Rationing District in Indianapolis during World War II; and,

Whereas, John Morton-Finney served forty-seven (47) years in the Indianapolis Public Schools as a teacher, supervisor and administrator; and,

Whereas, John Morton-Finney will be honored by the National Bar Association which holds its National Convention in Indianapolis, Marion County, Indiana from August 4, 1991 to August 10, 1991; and,

Whereas, John Morton-Finney will be inducted into the National Bar Association's Hall of Fame on August 9, 1991; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends John Morton-Finney for his remarkable accomplishments and congratulates him for being named to the National Bar Association's Hall of Fame.

SECTION 2. The Council further commends John Morton-Finney for his outstanding service to the educational and legal communities and for his many contributions.

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

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

PROPOSAL NO. 368, 1991. This proposal, sponsored by Councillor Howard, welcomes the National Medical Association to Indianapolis. Councillor Howard read the resolution and presented a framed document to Dr. John Joyner, who expressed appreciation for the recognition. Councillor Howard moved, seconded by Councillor Boyd, for adoption. Proposal No. 368, 1991 was adopted by unanimous voice vote.

Proposal No. 368, 1991 was retitled SPECIAL RESOLUTION NO. 64, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 1991

A SPECIAL RESOLUTION welcoming the National Medical Association to Indianapolis.

WHEREAS, the National Medical Association will hold its 96th annual convention in Indianapolis, Marion County, Indiana from July 27, 1991 to August 1, 1991; and

WHEREAS, the National Medical Association was founded in 1895 for Afro-American physicians when said physicians were not allowed membership in the American Medical Association; and

WHEREAS, the National Medical Association has a rich history and tradition for which it can be proud; now, therefore:

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

SECTION 1. The Indianapolis City-County Council welcomes the National Medical Association to the city of Indianapolis, Marion County, Indiana, and extends its best wishes in behalf of all citizens.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NOS. 235, 309, 310, 328, 329, 339, 340 and 341, 1991. The President ruled that unless there were objections, all the appointments would be voted on together. Councillor Golc asked that Proposal No. 309, 1991 be heard separately because it is his opinion that there was no quorum at the County and Townships Committee meeting on July 9, 1991 when the proposal was voted on.

PROPOSAL NO. 235, 1991. The proposal reappoints Judy Seubert to the Board of Ethics. PROPOSAL NO. 310, 1991. The proposal appoints Randolph L. Snyder to the Metropolitan Development Commission. PROPOSAL NO. 328, 1991. The proposal reappoints Donald R. Hudson to the Indianapolis-Marion County Building Authority Board of Trustees. PROPOSAL NO. 329, 1991. The proposal reappoints Elizabeth M. Gunn to the Indianapolis-Marion County Public Library Board. PROPOSAL NO. 339, 1991. The proposal appoints Tony Buford to the Board of Public Works. PROPOSAL NO. 340, 1991. The proposal appoints Daniel C. Cartwright to the Indianapolis Public Transportation Corporation Board. PROPOSAL NO. 341, 1991. The proposal reappoints Arthur E. Kelly to the Juvenile Detention Center Advisory Board. The President stated that Proposal Nos. 235, 310, 328, 329, 339, 340 and 341, 1991 were passed unanimously in their respective Committee hearings. The President asked for a voice vote on the proposals, and Proposal Nos. 235, 310, 328, 329, 339, 340 and 341, 1991 were adopted by a unanimous voice vote.

Councillor Clark introduced Daniel C. Cartwright, the new appointee to the Indianapolis Public Transportation Corporation Board.

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Proposal No. 235, 1991 was retitled COUNCIL RESOLUTION NO. 48, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 1991

A COUNCIL RESOLUTION reappointing Judy Seubert to the Board of Ethics.

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

SECTION 1. As a member of the Board of Ethics, the Council reappoints:

Judy Seubert

SECTION 2. The appointment made by this resolution is for a term ending April 13, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 310, 1991 was retitled COUNCIL RESOLUTION NO. 49, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 1991

A COUNCIL RESOLUTION appointing Randolph L. Snyder to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Randolph L. Snyder

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1991. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 328, 1991 was retitled COUNCIL RESOLUTION NO. 50, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 1991

A COUNCIL RESOLUTION reappointing Donald R. Hudson to the Indianapolis-Marion County Building Authority Board of Trustees.

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

SECTION 1. As a member of the Indianapolis-Marion County Building Authority Board of Trustees, the Council reappoints:

Donald R. Hudson

SECTION 2. The appointment made by this resolution is for a term ending June 3, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 329, 1991 was retitled COUNCIL RESOLUTION NO. 51, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 1991

A COUNCIL RESOLUTION reappointing Elizabeth M. Gunn to the Indianapolis-Marion County Public Library Board.

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

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

Elizabeth M. Gunn

SECTION 2. The appointment made by this resolution is for a term ending April 15, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 339, 1991 was retitled COUNCIL RESOLUTION NO. 52, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 1991

A COUNCIL RESOLUTION appointing Tony Buford to the Board of Public Works.

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

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

Tony Buford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1991. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 340, 1991 was retitled COUNCIL RESOLUTION NO. 53, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 1991

A COUNCIL RESOLUTION appointing Daniel C. Cartwright to the Indianapolis Public Transportation Corporation Board.

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

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

Daniel C. Cartwright

SECTION 2. The appointment made by this resolution is for a term ending August 6, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 341, 1991 was retitled COUNCIL RESOLUTION NO. 54, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 1991

A COUNCIL RESOLUTION reappointing Arthur E. Kelly to the Juvenile Detention Center Advisory Board.

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

SECTION 1. As a member of the Juvenile Detention Center Advisory Board, the Council reappoints:

Arthur E. Kelly

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SECTION 2. The appointment made by this resolution is for a term ending December 31, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 354, 1991. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of up to 4,300 square feet of office space in the Marott Building for the Department of Administration, Occupational and Community Services Division"; and the President referred it to the Administration Committee.

PROPOSAL NO. 355, 1991. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$485,736 for the Department of Administration, Occupational and Community Services Division, to (1) provide increased services for dislocated workers and welfare recipients residing in Marion County, and (2) fund the Youth City Program, which is a learning opportunity in the governmental/political process, for 200 University of Indianapolis students"; and the President referred it to the Administration Committee.

PROPOSAL NO. 356, 1991. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$4,000 for the County Surveyor to pay the remodeling expenses for two office rooms"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 357, 1991. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,500 for the County Surveyor to pay overtime expenses, conference and training costs, and to purchase section corner markers"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 358, 1991. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE determining not to allow the Marion County Department of Public Welfare to borrow money to fund welfare services pursuant to IC 12-1-11.5"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 359, 1991. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE determining to allow the Marion County Department of Public Welfare to borrow money to fund welfare services pursuant to IC 12-1-11.5"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 360, 199. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the County Auditor to borrow \$9,760,000 from a financial institution on behalf of the County Department of Public Welfare to pay for the department's welfare obligations pursuant to IC 12-1-11.5 and appropriating the proceeds of the borrowing"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 361, 1991. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the County

Auditor, upon receipt of an order from the State Board of Tax Commissioners, to borrow \$9,760,000 from a financial institution on behalf of the County Department of Public Welfare to pay for the department's welfare obligations pursuant to IC 12-1-11.5 and appropriating the proceeds of the borrowing"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 362, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$25,600 for the Domestic Relations Counseling Bureau to fund personnel expenses for the Visiting Nurse Service through an Indiana Criminal Justice Institute grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 363, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving a Board of Public Works resolution regarding the write-off of certain sewer service accounts of \$25 or less"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 364, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by adding a provision for the service of picking up and disposing of dead animals from places other than city streets and to provide this service for a fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 365, 1991. Introduced by Councillors SerVaas and Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Grandview Drive and Kessler Boulevard, West Drive (District 2)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 366, 1991. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Spring Mill Road and 79th Street (District 2)"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 351, 1991. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 351, 1991 on July 10, 1991. The proposal is a final bond ordinance authorizing the issuance of the City of Indianapolis Adjustable Rate Economic Development Revenue Bonds, Series 1991 (Cantor & Coleman II Project) in the aggregate principal amount of \$3,215,000. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass contingent upon the Economic Development Commission's approval on July 12, 1991. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 351, 1991 was adopted on the following roll call vote; viz:

18 YEAS: Borst, Brooks, Clark, Cottingham, Curry, Giffin, Gilmer, Golc, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Solenberg, Strader

0 NAYS:

8 NOT VOTING: Boyd, Coughenour, Dowden, Howard, Schneider, SerVaas, West, Williams

3 NOT PRESENT: Hawkins, Holmes, Shaw

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Proposal No. 351, 1991 was retitled SPECIAL ORDINANCE NO. 7, 1991 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1991

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Adjustable Rate Economic Development Revenue Bonds, Series 1991 (Cantor & Coleman II Project), in the aggregate principal amount of Three Million Two Hundred Fifteen Thousand Dollars (\$3,215,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 (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 corporation, partnership or individual for the purpose of financing costs of acquisition and 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 Adjustable Rate Economic Development Revenue Bonds, Series 1991 (Cantor & Coleman II Project) in the aggregate principal amount of Three Million Two Hundred Fifteen Thousand Dollars (\$3,215,000) (the "Series 1991 Bonds") pursuant to a Trust Indenture (the "Indenture") dated as of July 1, 1991 between the Issuer and Peoples Bank & Trust Company, acting as Trustee (the "Trustee") in order to obtain funds to lend to Cantor & Coleman II, an Indiana general partnership (the "Company") pursuant to a Loan Agreement (the "Loan Agreement") dated as of July 1, 1991 between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the acquisition, construction, installation and equipping of a manufacturing facility containing approximately 185,000 square feet which will be used by Hamilton Displays, Inc. for the production of displays for industrial trade shows, museums and other end users to be located at 3300 Post Road in Indianapolis, Marion County, Indiana, on approximately 10.75 acres; and the acquisition, construction, installation and equipping of various site improvements at the facility; and to pay a portion of the costs of issuance of the Series 1991 Bonds (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Series 1991 Bonds and further provides for the Company's repayment obligation to be evidenced by the Company's promissory note (the "Note, Series 1991") pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Series 1991 Bonds as the same become due and payable and to pay administrative expenses in connection with the Series 1991 Bonds; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Note, Series 1991, without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1991 Bonds; and

WHEREAS, Bank One, Indianapolis, National Association (the "Bank"), will issue a Letter of Credit (as defined in the Indenture) in favor of the Trustee, for the account of the Company, obligating the Bank to pay to the Trustee during the periods described therein, upon request and in accordance with the terms thereof, the amounts described therein for the purpose of making certain payments on or with respect to the Series 1991; 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 July 12, 1991 has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Preliminary Offering Memorandum (the "Preliminary Offering Memorandum"); 4) the form of the Series 1991 Bonds; 5) the Note, Series 1991; 6) the Bond Placement Agreement among the Company, Issuer and Bank One, Columbus, N.A., as Placement Agent (the "Placement Agent") (the "Bond Placement Agreement"); and 7) the Remarketing Agreement dated as July 1, 1991 among the Company and the Placement Agent (the "Remarketing Agreement") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted on the aforementioned date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Series 1991 Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents approved by the Indianapolis Economic Development Commission are hereby approved, and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the City Clerk or City Controller. Two (2) copies of the Financing Documents are on file in the office of the City Clerk for public inspection.

SECTION 3. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Offering Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters.

SECTION 4. The Issuer shall issue its Series 1991 Bonds in the aggregate principal amount of Three Million Two Hundred Fifteen Thousand Dollars (\$3,215,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Series 1991 Bonds will be payable as to principal and interest solely from the payments made by the Company on its Series 1991 Note in the principal amount equal to the principal amount of the Series 1991 Bonds which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1991 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Series 1991 Bonds to the purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed ten percent (10%). In addition to the use of the Preliminary Offering Memorandum by the Placement Agent, the use of a Private Offering Memorandum in substantially the same form as the Preliminary Offering Memorandum approved herein, but containing the information permitted to be omitted from the nearly final Private Offering Memorandum by the SEC Rule, is approved for use and distribution in connection with the marketing of the Series 1991 Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Series 1991 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1991 Bonds to the Placement Agent, payment for which will be made in the manner set forth in the Financing Documents. The Series 1991 Bonds shall, as set forth in the Indenture, be dated the date of their authentication but in no event later than ninety (90) days from the date of adoption by this City-County Council of this Special Ordinance. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 7. The Issuer hereby elects to have the provisions of Section 144(a)(4) of the Code, relating to the \$10,000,000 limitation on industrial development bonds, apply to the Series 1991 Bonds and the Mayor and City Clerk are hereby authorized to execute any documents necessary to evidence such election.

SECTION 8. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Series 1991 Bonds and after the issuance of said Series 1991 Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Series 1991 Bonds or the interest thereon remains unpaid.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 352, 1991. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 352, 1991 on July 10, 1991. The proposal is a final bond ordinance authorizing the issuance of the City of Indianapolis Economic

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Development Revenue Bonds, Series 1991 (Jackson Press Inc. Project) in the aggregate principal amount of \$1,750,000. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass contingent upon the Economic Development Commission's approval on July 12, 1991. Councillor Schneider moved, seconded by Councillor Brooks, for adoption. Proposal No. 352, 1991 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Golc, Howard, Irvin, Jones, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams

0 NAYS:

2 NOT VOTING: Gilmer, McGrath

3 NOT PRESENT: Hawkins, Holmes, Shaw

Proposal No. 352, 1991 was retitled SPECIAL ORDINANCE NO. 8, 1991 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1991

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Economic Development Revenue Bonds, Series 1991 (Jackson Press, Inc. Project), in the aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 (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 corporation, partnership or individual for the purpose of financing costs of acquisition and 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 Economic Development Revenue Bonds, Series 1991 (Jackson Press, Inc. Project) in the aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) (the "Series 1991 Bonds") pursuant to a Trust Indenture (the "Indenture") dated as of July 1, 1991 between the Issuer and Merchants National Bank & Trust Company of Indianapolis, acting as Trustee (the "Trustee") in order to obtain funds to lend to Jackson Press, Inc. (the "Company") pursuant to a Loan Agreement and Security Agreement (the "Loan Agreement") dated as of July 1, 1991 between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the acquisition and installation in the Company's existing facility containing approximately 30,000 square feet located at 1121 Southeastern Avenue, Indianapolis, Marion County, Indiana, on approximately 3.1 acres, of a six color printing press and other printing equipment to be used for the manufacturing of general sheetfed offset printed material; and the acquisition and installation of various site improvements at the facility; and to pay a portion of the costs of issuance of the Series 1991 Bonds (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Series 1991 Bonds and further provides for the Company's repayment obligation to be evidenced by the Company's promissory note (the "Note, Series 1991") pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Series 1991 Bonds as the same become due and payable and to pay administrative expenses in connection with the Series 1991 Bonds; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Note, Series 1991, without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1991 Bonds; and

WHEREAS, INB National Bank (the "Bank") will issue a Letter of Credit (as defined in the Indenture) in favor of the Trustee, for the account of the Company, obligating the Bank to pay to the Trustee during the

periods described therein, upon request and in accordance with the terms thereof, the amounts described therein for the purpose of making certain payments on or with respect to the Series 1991; 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 July 12, 1991 has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Preliminary Private Placement Memorandum (the "Preliminary Private Placement Memorandum"); 4) the form of the Series 1991 Bonds; 5) the Note, Series 1991; 6) the Placement Agency Agreement among the Company, Issuer and INB National Bank, as Placement Agent (the "Placement Agent") (the "Placement Agency Agreement"); and 7) the Bond Purchase Agreement dated as July 1, 1991 among the Company, Issuer, Placement Agent and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Bond Purchase Agreement") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted on the aforementioned date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Series 1991 Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents approved by the Indianapolis Economic Development Commission are hereby approved, and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the City Clerk or City Controller. Two (2) copies of the Financing Documents are on file in the office of the City Clerk for public inspection.

SECTION 3. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Private Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters.

SECTION 4. The Issuer shall issue its Series 1991 Bonds in the aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Series 1991 Bonds will be payable as to principal and interest solely from the payments made by the Company on its Series 1991 Note in the principal amount equal to the principal amount of the Series 1991 Bonds which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1991 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Series 1991 Bonds to the purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed ten percent (10%). In addition to the use of the Preliminary Private Placement Memorandum by the Placement Agent, the use of a Private Placement Memorandum in substantially the same form as the Preliminary Private Placement Memorandum approved herein, but containing the information permitted to be omitted from the nearly final Private Placement Memorandum by the SEC Rule, is approved for use and distribution in connection with the marketing of the Series 1991 Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Series 1991 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1991 Bonds to the Placement Agent, payment for which will be made in the manner set forth in the Financing Documents. The Series 1991 Bonds shall, as set forth in the Indenture, be dated July 1, 1991 or if the date of closing of this transaction occurs after July 31, 1991, then dated as of the first day of the month this transaction is closed, such date to be no later than ninety (90) days from the date of adoption by this City-County Council of this Special Ordinance. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without

further approval of this City-County Council or the Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 7. The Issuer hereby elects to have the provisions of Section 144(a)(4) of the Code, relating to the \$10,000,000 limitation on industrial development bonds, apply to the Series 1991 Bonds and the Mayor and City Clerk are hereby authorized to execute any documents necessary to evidence such election.

SECTION 8. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Series 1991 Bonds and after the issuance of said Series 1991 Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Series 1991 Bonds or the interest thereon remains unpaid.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 353, 1991. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 353, 1991 on July 10, 1991. The proposal amends Special Resolution No. 47, 1991, as amended, by extending the expiration date on the inducement resolution for Mid-American Energy Resources, Inc. to December 31, 1991. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass contingent upon the Economic Development Commission's approval on July 12, 1991. Councillor Schneider moved, seconded by Councillor Jones, for adoption. Proposal No. 353, 1991 was adopted on the following roll call vote; viz:

24 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams

0 NAYS:

2 NOT VOTING: Borst, Rhodes

3 NOT PRESENT: Hawkins, Holmes, Shaw

Proposal No. 353, 1991 was retitled SPECIAL RESOLUTION NO. 65, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 1991

A SPECIAL RESOLUTION amending City-County Special Resolution No. 47, 1990, as amended, and approving and authorizing certain actions and proceedings with respect to certain economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from 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. 47, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Mid-America Energy Resources, Inc. (the "Company"), which Inducement Resolution set an expiration date of July 31, 1991, unless the economic development revenue bonds for the Project had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by an 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 of July 31, 1991, contained therein and replacing said date with the date of December 31, 1991.

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. 369-379, 1991. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 19, 1991". The Council did not schedule Proposal Nos. 369-379, 1991 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 369-379, 1991 were retitled REZONING ORDINANCE NOS. 83-93, 1991 and are identified as follows:

REZONING ORDINANCE NO. 83, 1991. 91-Z-56 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
334 NORTH MITTHOEFFER ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.
SANDLIAN INVESTMENT COMPANY, by Michael D. Keele, requests the rezoning of 5.0 acres, being in the D-A district, to the C-S classification to provide for the development of self-storage warehouses.

REZONING ORDINANCE NO. 84, 1991. 91-Z-57 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
1523 EAST EPLER AVENUE, INDIANAPOLIS.
JOHN E. PIERCE requests the rezoning of 0.5 acre, being in the I-2-U district, to the C-5 classification to provide for an automobile body shop.

REZONING ORDINANCE NO. 85, 1991. 91-Z-64 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
3401 EAST NEW YORK STREET, INDIANAPOLIS.
JUDITH K. WENDEL, by Stephen D. Mears, requests the rezoning of 3.16 acres, being in the I-4-U district, to the C-S classification to provide for the sale of new and used automobile parts and for a parts reclamation center.

REZONING ORDINANCE NO. 86, 1991. 91-Z-65 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
7209 EAST 96TH STREET (APPROXIMATE ADDRESS), INDIANAPOLIS.
BOEHRINGER MANNHEIM CORPORATION, by James R. Nickels, requests the rezoning of 88.4 acres, being in the D-A district, to the I-2-S classification to provide for an industrial development.

REZONING ORDINANCE NO. 87, 1991. 91-Z-72 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 2
8510 DITCH ROAD, INDIANAPOLIS.
MSE CORPORATION requests the rezoning of 0.77 acre, being in the D-7 district, to the C-4 classification to conform zoning to the existing use.

REZONING ORDINANCE NO. 88, 1991. 91-Z-73 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
4550 WEST 79TH STREET, INDIANAPOLIS.
TIMBER PARK DEVELOPMENT CORPORATION, by Raymond Good, requests the rezoning of 16.34 acres, being in the D-2 and D-3 districts, to the D-3 classification to provide for single-family development and to terminate previous commitments pursuant to D-3 zoning (90-Z-168, 90-CV-21).

REZONING ORDINANCE NO. 89, 1991. 91-Z-74 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 9
3520 NORTH COLLEGE AVENUE, INDIANAPOLIS.
MITCHELL and BESSIE HATTON, by James R. Nickels, requests the rezoning of 0.138 acre, being in the D-5 district, to the C-3 classification to provide for commercial retail development.

REZONING ORDINANCE NO. 90, 1991. 91-Z-75 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 4
465 EAST 86TH STREET, INDIANAPOLIS.
TRINITY PRESBYTERIAN CHURCH OF INDIANAPOLIS, INC., by Elias Bloom, requests the rezoning of 4.70 acres, being in the D-S district, to the SU-1 classification to conform zoning to existing use.

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REZONING ORDINANCE NO. 91, 1991. 91-Z-77 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 20

43 WEST MORRIS STREET (APPROXIMATE ADDRESS), INDIANAPOLIS.

WILLIAM C. SHANK, by Stephen D. Mears, requests the rezoning of 0.33 acre, being in the D-8 district, to the C-S classification to provide for warehousing and wholesaling of paint.

REZONING ORDINANCE NO. 92, 1991. 91-Z-78 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 15

801 NORTH SHORTRIDGE ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.

801 NORTH SHORTRIDGE ROAD COMPANY, by David R. Warshauer, requests the rezoning of 4.10 acres, being in the D-3 district, to the D-9 classification to conform the zoning to the existing use.

REZONING ORDINANCE NO. 93, 1991. 91-Z-89 91-DP-1 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8

5150 WEST 56TH STREET, INDIANAPOLIS.

DAVIS DEVELOPMENT CORPORATION, by Harry F. McNaught, Jr., requests the rezoning of 21.43 acres, being in the D-6II district, to the D-P classification to provide for the development of single-family residences by platting.

PROPOSAL NO. 380, 1991. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 19, 1991". The Council did not schedule Proposal No. 380, 1991 for hearing pursuant to IC 36-7-4-608. Proposal No. 380, 1991 was retitled REZONING ORDINANCE NO. 94, 1991 and is identified as follows:

REZONING ORDINANCE NO. 94, 1991. 90-Z-58 90-DP-2 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1

5935 LAFAYETTE ROAD, INDIANAPOLIS.

AMERICAN COMMUNITY DEVELOPMENT CORPORATION requests the rezoning of 47.44 acres, being in the D-A district, to the D-P classification to provide for the development of multi-family attached homes (Parcel A) and single-family detached homes (Parcel B).

PROPOSAL NOS. 381-385, 1991. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 19, 1991". The Council did not schedule Proposal Nos. 381-385, 1991 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 381-385, 1991 were retitled REZONING ORDINANCE NOS. 95-99, 1991 and are identified as follows:

REZONING ORDINANCE NO. 95, 1991. 91-Z-66 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12

9545 EAST 30TH STREET, INDIANAPOLIS.

INDIANA ASSEMBLY OF GOD KOREAN CHURCH requests the rezoning of 7.06 acres, being in the D-A district, to the SU-1 classification to provide for a church.

REZONING ORDINANCE NO. 96, 1991. 91-Z-76 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 2

6131 MICHIGAN ROAD, INDIANAPOLIS.

EDWARD T. O'MEARA, ARCHBISHOP OF INDIANAPOLIS, by James Tuohy, requests the rezoning of 2.5 acres, being in the D-3 district, to the SU-1 classification to provide for church use.

REZONING ORDINANCE NO. 97, 1991. 91-Z-79 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13

8904 SOUTH ACTON ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.

ERIC S. and CHARMI J. SMITH, by Henry Y. Dein, requests the rezoning of 20 acres, being in the D-A/FP/FW district, to the D-1/FP/FW classification to provide for the development of single-family residences.

REZONING ORDINANCE NO. 98, 1991. 91-Z-82 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 22

2506 EAST WASHINGTON STREET, INDIANAPOLIS.

SECURITY CHECK CASHING, by Edward Williams, requests the rezoning of 0.24 acre, being in the C-2 district, to the C-3 classification to provide for the continued operation of a checking cashing facility and other commercial development.

REZONING ORDINANCE NO. 99, 1991. 91-Z-86 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
11147 EAST 38TH STREET, REAR (APPROXIMATE ADDRESS), INDIANAPOLIS.
M.H. CONSTRUCTION MGT, INC. requests the rezoning of 4.85 acres, being in the D-6II district, to the D-5II classification to provide for the development of single-family residences by platting.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 294, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 294, 1991 on July 11, 1991. The proposal appropriates \$50,103 for the Department of Public Works, Air Pollution Control Division, to 1) pay the salary for an additional asbestos inspector, 2) pay promotional salary increases, and 3) purchase a computer and a monitor analyzer. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:38 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Brooks, for adoption. Proposal No. 294, 1991 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Giffin, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Cottingham, Gilmer, Solenberg*

3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 294, 1991 was retitled FISCAL ORDINANCE NO. 47, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Fifty Thousand One Hundred Three Dollars (\$50,103) in the Consolidated County Fund for purposes of the Department of Public Works Air Pollution Control Division and reducing the unappropriated and unencumbered balance in the Consolidated County 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 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works Air Pollution Control Division to utilize grant and permit fees to hire an asbestos inspector and to purchase a computer and Monitor Analyzer.

SECTION 2. The sum of Fifty Thousand One Hundred Three Dollars (\$50,103) 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 WORKS</u> <u>AIR POLLUTION CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	\$35,578
4. Capital Outlay	<u>14,525</u>
TOTAL INCREASE	\$50,103

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>\$50,103</u>
TOTAL REDUCTION	\$50,103

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

PROPOSAL NO. 332, 1991. Acting Chairman Councillor Giffin, in Councillor Holmes' absence at the July 18, 1991 Parks and Recreation Committee, reported that the Committee heard Proposal No. 332, 1991 on July 18, 1991. The proposal appropriates \$45,000, which is a donation from the Indianapolis Power and Light Company, for the Department of Parks and Recreation, Parks Management Division, to pay an outside contractor to plant 300-400 trees along the street right-of-ways. 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 7:40 p.m. There being no one present to testify, Councillor Giffin moved, seconded by Councillor Irvin, for adoption. Proposal No. 332, 1991 was adopted on the following roll call vote; viz:

- 25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader, West, Williams*
- 0 NAYS:
- 1 NOT VOTING: *Schneider*
- 3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 332, 1991 was retitled FISCAL ORDINANCE NO. 48, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the Park General Fund for purposes of the Department of Parks & Recreation, Parks Management Division and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks & Recreation, Parks Management Division to use donation money from the Indianapolis Power & Light Company for purposes of planting several hundred new trees within the street right-of-ways.

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS & RECREATION	
<u>PARKS MANAGEMENT DIVISION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>\$45,000</u>
TOTAL INCREASE	\$45,000

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

PARK GENERAL FUND

Unappropriated and Unencumbered	
Park General Fund	<u>\$45,000</u>
TOTAL REDUCTION	\$45,000

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

PROPOSAL NO. 333, 1991. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 333, 1991 on July 18, 1991. The proposal appropriates \$11,500, which is a grant from Lilly Endowment, for the Department of Parks and Recreation, Recreation and Sports Facilities Division, to fund various youth workshops at Freetown Village. 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 7:42 p.m. There being no one present to testify, Councillor Giffin moved, seconded by Councillor O'Dell, for adoption. Proposal No. 333, 1991 was adopted on the following roll call vote; viz:

- 25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams*
 0 NAYS:
 1 NOT VOTING: *Solenberg*
 3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 333, 1991 was retitled FISCAL ORDINANCE NO. 49, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 49, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Eleven Thousand Five Hundred Dollars (\$11,500) in the Park General Fund for purposes of the Department of Parks & Recreation, Recreation & Sports Facilities and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks & Recreation, Recreation & Sports Facilities Division to serve as fiscal agent and technical advisor for Lilly Endowment grant money that will allow 500 of the youth from Freetown Village, Inc. to participate in history and craft workshops.

SECTION 2. The sum of Eleven Thousand Five Hundred Dollars (\$11,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS & RECREATION	
<u>RECREATION & SPORTS FACILITIES DIVISION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>\$11,500</u>
TOTAL INCREASE	\$11,500

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>\$11,500</u>
TOTAL REDUCTION	\$11,500

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

PROPOSAL NO. 334, 1991. The proposal appropriates \$24,436 for the Superior Court, Juvenile Division/Detention Center, to purchase additional items for the computer system. Councillor Dowden asked for consent to postpone Proposal No. 334, 1991 until the August 5, 1991 meeting. Consent was given.

PROPOSAL NO. 336, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 336, 1991 on July 3, 1991. The proposal appropriates \$297,810 in the County Corrections Fund for the Auditor, Sheriff, Community Corrections, and the Justice Agency to provide for various programs for the fiscal year 1991-92. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams requested that Councillor Dowden provide an overview of the Community Corrections Agency, specifically its purpose and a budget summary. Councillor Dowden replied that he would honor that request.

The President called for public testimony at 7:46 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 336, 1991 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams

0 NAYS:

2 NOT VOTING: Clark, Howard

3 NOT PRESENT: Hawkins, Holmes, Shaw

Proposal No. 336, 1991 was retitled FISCAL ORDINANCE NO. 50, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 50, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Hundred Ninety-seven Thousand Eight Hundred Twenty Dollars (\$297,820) in the County Corrections Fund for purposes of the County Auditor, County Sheriff, Community Corrections, and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the County Corrections 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 (b), (z), (aa) and (dd) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor, County Sheriff, Community Corrections, and the Marion County Justice Agency to provide for various programs for the fiscal year 1991-92.

SECTION 2. The sum of Two Hundred Ninety-seven Thousand Eight Hundred Twenty Dollars (\$297,820) 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:

COUNTY AUDITOR (Fringes)

1. Personal Services

COUNTY CORRECTIONS FUND

\$ 26,485

<u>COUNTY SHERIFF</u> (Offenders Aid Restoration)	
3. Other Services and Charges	22,500
 <u>COUNTY SHERIFF</u> (Riverside)	
3. Other Services and Charges	67,613
 <u>COMMUNITY CORRECTIONS</u> (Jail Services)	
1. Personal Services	34,772
3. Other Services and Charges	45,450
 <u>MARION COUNTY JUSTICE AGENCY</u> (Screening)	
1. Personal Services	18,500
 <u>MARION COUNTY JUSTICE AGENCY</u> (Jail Ombudsman)	
1. Personal Services	23,500
 <u>MARION COUNTY JUSTICE AGENCY</u> (Drug Testing Program)	
1. Personal Services	55,625
3. Other Services and Charges	963
4. Capital Outlay	<u>2,412</u>
 TOTAL INCREASES	 \$297,820

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

Unappropriated and Unencumbered	<u>COUNTY CORRECTIONS FUND</u>
County Corrections Fund	<u>\$297,820</u>
TOTAL REDUCTION	<u>\$297,820</u>

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 251, 1991. The proposal amends the Code by authorizing a 44-foot loading zone for the I.S.T.A. building on Capitol Avenue (District No. 16). Councillor Gilmer, Chairman of the Transportation Committee, reported that Proposal No. 251, 1991 has had the following action since it was introduced on April 22, 1991: on May 8, 1991 by a vote of 3-2 the Committee recommended that it do pass; on May 20, 1991 the Council voted to return the proposal to Committee; on June 19, 1991 by a vote of 4-3 the Committee recommended that it do pass; on July 1, 1991 the Council voted to return it to Committee; and on July 17, 1991 by a vote of 5-1 the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Gilmer stated that the Department of Transportation will recommend a loading zone be authorized in the rear of the I.S.T.A. building.

Councillor Golc commended Councillors Gilmer, Williams and the Committee for their work in reaching a compromise on this proposal.

Councillor Gilmer moved, seconded by Councillor Williams, that the proposal be stricken. Proposal No. 251, 1991 was stricken by unanimous voice vote.

PROPOSAL NO. 293, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 293, 1991 on July 11, 1991. The proposal transfers and appropriates \$280,000 for the Department of Public Works (DPW), Advanced Wastewater Treatment, to purchase additional computer hardware for the Indianapolis Mapping and Geographic Infrastructure System (IMAGIS) mapping program. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass

as amended. Councillor Coughenour stated that DPW received a revised proposal for the computer hardware since the Committee meeting; therefore, she moved, seconded by Councillor Gilmer, to amend the proposal by reducing the appropriation by \$50,000 to \$230,000. This motion passed by unanimous voice vote.

Councillor Gilmer stated that he would like to receive a status report on IMAGIS. Councillor Curry responded that since he is the Council appointee to the IMAGIS Board, he would share with the Council the status of the IMAGIS program.

Councillor Boyd said that he believes that IMAGIS is one of the most important systems utilized by the City at this time and it holds a great deal of promise in many areas. He moved that Councillors Coughenour and Curry have a public hearing regarding IMAGIS. Councillor Gilmer seconded the motion. This motion passed by a unanimous voice vote.

Councillor Coughenour moved, seconded by Councillor Cottingham, for adoption of Proposal No. 293, 1991, as amended. Proposal No. 293, 1991, as amended, was adopted on the following roll call vote; viz:

- 25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West, Williams*
- 0 NAYS:
- 1 NOT VOTING: *Mukes-Gaither*
- 3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 293, 1991, as amended, was retitled FISCAL ORDINANCE NO. 51, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 51, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating up to an additional Two Hundred Thirty Thousand Dollars (\$230,000) in the Sanitation General Fund for purposes of the Department of Public Works, Advanced Wastewater Treatment, and reducing certain other appropriations for that department.

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 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Advanced Wastewater Treatment, to purchase an additional VAX Computer Processing Unit and upgrade the existing VAX System and hardware.

SECTION 2. The sum of up to Two Hundred Thirty Thousand Dollars (\$230,000) be, and the same is hereby transferred, for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ADVANCED WASTEWATER TREATMENT</u>	<u>SANITATION GENERAL FUND</u>
4. Capital Outlay	<u>\$230,000</u>
TOTAL INCREASE	\$230,000

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

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ADVANCED WASTEWATER TREATMENT</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	<u>\$230,000</u>
TOTAL REDUCTION	\$230,000

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

PROPOSAL NO. 295, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 295, 1991 on July 11, 1991. The proposal amends the Code by amending Chapter 30½, Environmental Public Nuisances. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Irvin and Williams voiced their support for the proposal.

Councillor Coughenour moved, seconded by Councillor Giffin, for adoption. Proposal No. 295, 1991 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, SerVaas, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Clark, Schneider, Solenberg*

3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 295, 1991 was retitled GENERAL ORDINANCE NO. 82, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 1991

A GENERAL ORDINANCE regarding environmental public nuisances amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 30½, "Environmental Public Nuisances".

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 specifically Chapter 30½, Sections 30½-1 through 30½-12, is hereby amended by deleting the crossed out text and inserting the underlined text to read as follows:

Chapter 30½

ENVIRONMENTAL PUBLIC NUISANCES*

Sec. 30½-1. Purpose and intent.

It is hereby declared to be the purpose of this chapter to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

Sec. 30½-2. Definitions.

For the purpose of this chapter the following terms shall have the following meanings. The word "shall" is always mandatory and not merely directory.

- (a) Authorized employee means an employee of the department of public works, ~~having deputy sheriff powers and who can issue city ordinance violation summons to enforce the provisions of this chapter.~~
- (b) City means the Consolidated City of Indianapolis and Marion County.
- (c) Environmental public nuisance ~~is~~ means:
 - (1) Vegetation on private or governmental property which is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and which has attained a height of twelve (12) inches or more;

- (2) Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or which have been allowed to become a health or safety hazard;
- (3) A drainage or storm water management facility as defined in Chapter 10½ of this Code on private or governmental property which facility has not been maintained as required by that Chapter;
- (4) Property ~~which has been allowed to become a health or safety hazard,~~ or which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or which has otherwise been allowed to become a health or safety hazard.
- (d) Excluded property means:
- (1) ~~c~~Cultivated land in commercial, domestic, agricultural or horticultural use;
 - (2) An existing a natural or developed forest which does not create a health or safety hazard; ~~or~~
 - (3) ~~v~~Vacant, open lands, fields or wooded areas more than one hundred and fifty (150) feet from occupied property;
 - (4) A nature habitat area more than one hundred and fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard; or
 - (5) A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Marion County Soil and Conservation Service and/or the Department of Public Works, Drainage Division.
- (e) Governmental property means real estate which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (f) Equipment means such equipment as trucks, tractors, bulldozers and similar motor vehicles and hand operated equipment such as weed trimmers and similar equipment.
- ~~(f)~~(g) Occupant means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or any owner, person, persons or entities who are from time to time in possession or exercising dominion and control over the real estate or any house or other structure located on private property thereon.
- ~~(g)~~(h) Owner shall be presumed to be any one or more of the following means the record owner or owners as reflected by the most current records in the township assessor's office of the township in which the real estate is located:
- ~~(1) The owner or owners in fee simple of a parcel of real estate including the life tenant or tenants if any; or~~
 - ~~(2) The record owner or owners as reflected by the most current record in the township assessor's office of the township in which the real estate is located; or~~
 - ~~(3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.~~
- ~~(h)~~(i) Private property means all real estate within the ~~Consolidated City of Indianapolis,~~ except governmental property.

Sec. 30½-3. Application of chapter.

(a) Each department or agency of the United States, the State of Indiana, or any political subdivision thereof, shall be required to keep governmental property within the City free from environmental public nuisances.

(b) All owners, lessees or occupants, or other persons in control of any private property within the cCity shall be required to keep that private property free from environmental public nuisances.

Sec. 30½-4. Prohibited activity.

It shall be unlawful for any property owner or occupant to allow an environmental public nuisance to exist.

Sec. 30½-5. Determination of violation; ~~preliminary~~ notice of violation.

Any department of the cCity which receives a complaint regarding an environmental public nuisance on any property within the cCity shall forward that complaint to the ~~office of property management~~ environmental enforcement section of the department of public works, where it shall be assigned a case number and entered in a complaint log book. An ~~inspector~~ authorized employee shall visually inspect the property in question. If the ~~inspector~~ authorized employee determines that a violation exists, the ~~office of property management~~ environmental enforcement section shall issue a ~~give written~~ preliminary notice of violation to the occupant or owner, or both, as provided below:

(a) Notice shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than ten (10) days from the date of ~~receipt of~~ the notice when the property will be reinspected. The notice shall inform the occupant or owner that, if the condition is not corrected upon reinspection, the City has the right to enter on the property to abate or correct the condition and bill the owner or occupant for costs incurred in so doing and/or to file a court action against the occupant or owner for ordinance violation. A notice to the occupant at the real estate or to the owner at the address to which property tax statements are sent as these addresses are shown by the most current records in the township assessor's office of the township in which the real estate is located shall be sufficient notice under this subsection.

(b) Notice shall also be made by publication in accordance with I.C. 5-3-1, except that publication shall be made once, at least three (3) days prior to entrance on the property to abate the nuisance. The publication shall contain the common address as well as a short legal description of the property.

Sec. 30½-6. Correction upon reinspection.

If, upon ~~such~~ reinspection, it is determined that the environmental public nuisance has been corrected, the owner or occupant shall not be liable for any charges under this ~~c~~Chapter.

Sec. 30½-~~67~~. Failure to abate after notice; ~~enforcement~~ abatement by City.

~~(a) [Issuance of Court Summons Upon Failure To Abate; Compromise of Offense.] If, upon reinspection, it is determined by the inspector that abatement has not occurred, an authorized employee of the department of public works shall issue a city ordinance violation summons which will require that the owner or occupant cited appear in court on a specified date, and shall provide a copy thereof to the city prosecutor. The owner or occupant cited may compromise the offense within five (5) days of receipt of the summons by admitting liability for the offense and paying a charge of eighteen dollars (\$18.00), either by mailing that amount to the office of property management of the department of public works or by appearing in person, or by attorney or agent at that office; provided, that no owner or occupant will be permitted to compromise offenses under this chapter more than two (2) times in any calendar year.~~

~~(b) [Failure To Respond to Summons.] Upon the failure or refusal of any person to respond to the summons as provided herein, it shall be the duty of the office of property management of the department of public works to report that fact to the city prosecutor and to the employee who issued the summons and to furnish the city prosecutor with all relevant information regarding the violation. Enforcement proceedings shall then be brought in the manner provided by law.~~

~~(c) [Additional Remedy.] In addition to the foregoing, the city may, by appropriate action seek injunctive relief, and may petition the court to enjoin or order the abatement of any violation of this chapter.~~

~~(d)~~(a) [Abatement by City.] If, upon reinspection, it is determined by the ~~inspector~~ authorized employee that abatement has not occurred, ~~and that the environmental public nuisance constitutes a menace to the health and safety of the people of the city,~~ then the director of the department of public works, or his designee, may enter upon the premises and abate the environmental public nuisance offending condition. The occupant or owner shall be liable for the costs of abatement. After abatement is completed, the department of public works shall, either by personal service or first class United States mail, postage prepaid, send the occupant or owner a bill for the costs of abatement.

~~(e)~~(b) [Responsibility of Offender occupant or owner for costs of Enforcement abatement.]

(1) ~~[Administrative Abatement costs:] As reimbursement compensation to the department of public works for its costs services in the enforcement of this section, the owner or occupant shall, within ten (10) days of the date of the bill, pay to the department of public works of the City, or the treasurer of Marion County the following fees and charges:~~

~~a. Eight dollars (\$8.00) for each inspection necessary to determine compliance with the provisions of this chapter.~~

a. The following Administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing and mailing notices:

<u>Administrative</u>	<u>\$140.00;</u>
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~~b. Eight dollars (\$8.00) for determining private property ownership, if necessary.~~

b. The following Labor fees per person, per hour, or fraction thereof, for labor necessary to abate an environmental nuisance:

<u>Laborer</u>	<u>\$18.00</u>
<u>Light Equipment Operator</u>	<u>\$20.50</u>
<u>Truck Driver</u>	<u>\$20.50</u>
<u>Medium Equipment Operator</u>	<u>\$21.50</u>
<u>Heavy Equipment Operator</u>	<u>\$23.50</u>
<u>Crew Leader</u>	<u>\$24.50</u>

~~c. Three dollars (\$3.00) for each time a first class letter is mailed to an owner or owners.~~

c. The following Equipment fees per machine, per hour, or fraction thereof, for the use of each piece of equipment necessary to abate an environmental nuisance:

<u>Pick-up Truck</u>	<u>\$4.25</u>
<u>Tractor/Bush hog</u>	<u>\$8.50</u>
<u>Boom Truck</u>	<u>\$16.50</u>
<u>Backhoe</u>	<u>\$15.50</u>
<u>Dump Truck (single axle)</u>	<u>\$17.50</u>
<u>Dump Truck (tandem axle)</u>	<u>\$19.50</u>
<u>Packer</u>	<u>\$15.75</u>
<u>Excavator</u>	<u>\$29.00</u>
<u>Dozer (small)</u>	<u>\$18.50</u>
<u>Dozer (large)</u>	<u>\$27.50</u>
<u>Loader</u>	<u>\$19.25</u>
<u>Bobcat or equivalent</u>	<u>\$13.50</u>

~~d. Ten dollars (\$10.00) per manhour or fraction thereof, for labor necessary to abate an environmental public nuisance.~~

d. Any Landfilling fees actually incurred to dispose of litter and waste products removed;

~~e. Twenty five dollars (\$25.00) per machine hour or fraction thereof for the use of each piece of equipment used in abating an environmental public nuisance.~~

- e. Any other reasonable fees actually incurred in abating an environmental nuisance.
- ~~(2) [Costs of abatement by city:] Whenever the department of public works, or any agent or contractor on its behalf, corrects or abates an environmental public nuisance on private property there shall be a minimum assessment of fifty dollars (\$50.00) service fee plus the appropriate administrative fees listed above.~~
- (2) An owner or occupant may request in writing an informal hearing before the director of the department of public works, or his designee, to dispute the existence of a violation and/or the accuracy of all or part of the costs of abatement billed. Upon receipt of a hearing request, the department shall not take abatement action until after the director or his designee notifies the property owner of his decision. After such hearing, the director of the department of public works, or his designee, shall determine the existence of a violation and/or the accuracy of all or part of the abatement costs billed and shall notify the property owner of any amounts due to the department. The decision of the director, or his designee, shall be final.
- (3) [Unpaid costs become lien upon affected property; perfecting of lien:] Upon the failure of the owner who was sent a notice of violation and bill or occupant to pay the appropriate fees and charges within the ten-day time period, the department of public works of the City shall have a lien upon the offending private property on which the environmental public nuisance was abated for the amount billed to the full extent of the value of the act or acts performed, or the services rendered, or both, in accordance with the fee schedule listed above. In addition, there will be a ten-dollar (\$10.00) charge for services necessary in order to perfect such lien. Such liens may shall be perfected in the following manner:
- a. By the adoption by the Board of the department of Public Works at any regular or special meeting thereof of an assessment resolution which shall give the name of the owner or owners, a description of the offending private property on which the environmental public nuisance was abated and the amount of the charges being assessed; and
- b. The certification of such assessment resolution to the auditor of Marion County who by special assessment shall cause the amount thereof to be placed on a tax duplicate for the offending private property subject to on which the environmental public nuisance was abated for collection as in the nature of an additional or supplemental real property tax.
- ~~c. Contemporaneously with certification of the assessment resolution to the county auditor, the department of public works may additionally elect to render a written statement of the amount due to each offending owner and such owner shall also be liable in an action to recover the aforesaid amount.~~
- c. Upon receipt of a written verified request from the purchaser, the department shall release liens perfected after the recorded dated of conveyance of the property. The request must state that the purchaser was not an owner or occupant of the property at the time of the notice of violation, had no knowledge of the notice of violation and has not been paid by the seller for the costs of abatement billed.
- (4) [Civil action to recover costs of abatement:] Upon the failure of the occupant or owner who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten-day period, the department of public works may bring a civil action in court against such occupant or owner to recover the amount billed, plus reasonable attorneys fees.

Sec. 30½-8. Failure to abate after notice; court action for ordinance violation and/or injunction.

In addition to or in lieu of the foregoing, if, upon reinspection, it is determined by the authorized employee that abatement has not occurred, the department of public works may initiate a civil court action for ordinance violation against the occupant or owner. Such action shall be initiated by submitting a written request to the Corporation Counsel to file a complaint of ordinance violation and/or to enjoin any environmental public nuisance.

Sec. 30½-29. Penalty.

Except as otherwise provided herein, any person convicted of a occupant or owner found in violation of this chapter may shall be punished by a fined of not more than one two thousand five hundred dollars (\$102500.00) for each violation. Each day such violation is permitted to continue may be deemed to constitute a separate violation offense. A previous violation of this chapter on the same property during the current or preceding calendar year may be considered in determining the penalty assessed. Notwithstanding Section 1-8 of

this Code, a finding that a violation occurred or an admission that a violation occurred is not required to assess and recover a penalty if the occupant or owner subject to the penalty agrees to pay the penalty pursuant to an agreed judgment or consent decree in a court action for ordinance violation.

Sec. 30½-10. Variance.

An owner or occupant may submit a written request for a variance to the Board of Public Works if compliance with this Chapter will cause undue hardship to such owner or occupant without a sufficient corresponding benefit to the health or safety of the public. To receive consideration, such request must be received prior to the time the City abates the environmental nuisance on the property. Upon receipt of a request, the Board of Public Works shall schedule a hearing and notify the owner or occupant of the time and place. At least ten (10) days prior to the hearing, the owner or occupant shall notify in writing the owners and occupants of all property within one hundred and fifty (150) feet of the property for which the variance is requested. The notice shall state the location of the property for which the variance is requested, the nature of the variance requested, and the time and place of the hearing. At the hearing, the owner or occupant requesting the variance, representatives of the City, representatives of state or local governmental health authorities and any person affected by the proposed variance may present evidence. After the hearing, the Board of Public Works may grant or deny the request. The decision of the Board of Public Works shall be final. Within ten (10) days of the decision, written notice of the Board of Public Works' decision shall be given to the owner or occupant who requested the variance.

Sec. 30½-11. Rules and regulations.

The Board of Public Works may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this Chapter.

Sec. 30½-12. Reserved for administrative enforcement.

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

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

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

PROPOSAL NO. 330, 1991. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 330, 1991 on July 18, 1991. The proposal approves the leasing of certain real estate of the Department of Parks and Recreation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Clark, for adoption. Proposal No. 330, 1991 was adopted on the following roll call vote; viz:

21 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, SerVaas, Strader, West

1 NAY: Williams

4 NOT VOTING: Borst, Moriarty, Schneider, Solenberg

3 NOT PRESENT: Hawkins, Holmes, Shaw

Proposal No. 330, 1991 was retitled SPECIAL RESOLUTION NO. 66, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 1991

A SPECIAL RESOLUTION approving the leasing of certain real estate of the Department of Parks and Recreation.

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

SECTION 1. The City-County Council hereby approves, pursuant to IC 36-1-11-3 the lease of the following property by the Department of Parks and Recreation:

<u>Location</u>	<u>Appraised Value</u>	<u>Auction Bid Value (Third Attempt)</u>
3306 East 30th Street	\$25,000	\$11,300

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

PROPOSAL NO. 331, 1991. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 331, 1991 on July 18, 1991. The proposal transfers and appropriates \$52,000 for the Department of Parks and Recreation, Parks Management Division, to pay an outside contractor for the removal of 200 trees and the planting of 100 trees. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 331, 1991 was adopted on the following roll call vote; viz:

- 24 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams*
- 0 NAYS:
- 2 NOT VOTING: *Howard, Solenberg*
- 3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 331, 1991 was retitled FISCAL ORDINANCE NO. 52, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 52, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Fifty-two Thousand Dollars (\$52,000) in the Park General Fund for purposes of the Department of Parks & Recreation, Parks Management Division and reducing certain other appropriations for that Division.

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 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks & Recreation, Parks Management Division to transfer funds for removal and planting of trees within right-of-ways.

SECTION 2. The sum of Fifty-two Thousand Dollars (\$52,000) be, and the same is hereby transferred, for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS & RECREATION</u>	
<u>PARKS MANAGEMENT DIVISION</u>	<u>PARK GENERAL FUND</u>
3. Other Services & Charges	<u>\$52,000</u>
TOTAL INCREASE	\$52,000

July 22, 1991

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

DEPARTMENT OF PARKS & RECREATION
PARKS MANAGEMENT DIVISION

PARK GENERAL FUND

1. Personal Services
TOTAL REDUCTION

\$52,000
\$52,000

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

PROPOSAL NO. 337, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 337, 1991 on July 3, 1991. The proposal amends the Code concerning the disposal of vehicles declared abandoned by the Indianapolis Police Department. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass, as amended. Councillor Dowden stated that according to City Legal the following underlined text needs to be included in the proposal:

Sec. 3-402 (D)(3)

(3) To ticket, tow and dispose of abandoned vehicles in the consolidated city, except to the extent the Department of Public Safety disposes of vehicles impounded and stored by the Indianapolis Police Department and subject to disposal as abandoned vehicles pursuant to Chapter 29 of the Code of Indianapolis and Marion County, Indiana;

Sec. 29-387 (a) and (b)

(a) The department of public safety and/or the department of public works shall be charged with the responsibility for the removal, storage and disposal of abandoned vehicles which have been impounded by the Indianapolis Police Department pursuant to Division 2 of Chapter 29 of the Code of Indianapolis and Marion County and/or Indiana Code 9-22-1-1 et seq.

(b) The department of public safety or the department of public works may enter into contractual arrangements for the disposal of vehicles which have been impounded pursuant to Division 2 of Chapter 29 of the Code of Indianapolis and Marion County and/or Indiana Code 9-22-1-1 et seq. and have been declared abandoned pursuant to the provisions of Indiana Code 9-22-1-1 et seq.

Sec. 29-391 (b)

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

Councillor Dowden moved, seconded by Councillor West, to amend Proposal No. 337, 1991, as amended, to include the amendments suggested by City Legal. This motion passed by unanimous voice vote.

Councillors West and Howard asked why the moneys from the abandoned vehicle auctions are credited to the Abandoned Vehicle Fund and how that money is appropriated.

The President suggested that Councillors Dowden and Coughenour look into the accounting and disbursing of the funds realized from the abandoned vehicle auctions and report back to the Council of their findings.

Councillor Williams suggested that some funds should go to victims of auto theft.

Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 337, 1991 was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Schneider, SerVaas, Solenberg, Strader, Williams*

0 NAYS:

2 NOT VOTING: *Ruhmkorff, West*

3 NOT PRESENT: *Hawkins, Holmes, Shaw*

Proposal No. 337, 1991 was retitled GENERAL ORDINANCE NO. 83, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 83, 1991

A GENERAL ORDINANCE amending the Code concerning the disposal of vehicles declared abandoned by the Indianapolis Police Department.

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

SECTION 1. Section 3-402 of Article V of Chapter 3 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underscored to read as follows:

ARTICLE V. DEPARTMENT OF PUBLIC WORKS

Sec. 3-402. Division.

The department of public works shall be composed of the following divisions:

- (A) Administrative division. The administrative division shall have the following powers:
- (1) To provide management and support to the department in the areas of finance and public relations as well as any other areas designated by the director;
 - (2) To manage surplus property acquired by the city due to nonpayment of taxes or any other reason and to dispose of such property pursuant to IC 36-1-11;
 - (3) To approve plans and issue permits for sewer construction and connection as required in Chapter 27 of the Code of Indianapolis and Marion County, Indiana, and otherwise provide engineering services to the other divisions as necessary.
- (B) Air pollution control division. The air pollution control division shall initiate and carry out strategies to achieve and maintain acceptable air purity in the county as described in Chapter 4 of the Code of Indianapolis and Marion County, Indiana.
- (C) Advanced wastewater treatment division. The advanced wastewater treatment division shall have the following powers:
- (1) To treat wastewater in the consolidated city;
 - (2) To construct and maintain wastewater treatment facilities;
 - (3) To maintain the accounts of sewer user customers;
 - (4) To provide engineering services to other divisions as necessary.
- (D) Solid waste division. The solid waste division shall have the following powers:
- (1) To collect and dispose of household refuse of residents in the Indianapolis Solid Waste District;
 - (2) To pick up and dispose of animal carcasses from consolidated city streets;
 - (3) To ticket, tow and dispose of abandoned vehicles in the consolidated city, except to the extent the Department of Public Safety disposes of vehicles impounded and stored by the Indianapolis Police Department and subject to disposal as abandoned vehicles pursuant to Chapter 29 of the Code of Indianapolis and Marion County, Indiana;
- (E) Flood control division. The flood control division shall have the following powers:
- (1) To be responsible for flood control projects within the flood control district;

- (2) To approve, design, construct and maintain drains, ditches, rivers, creeks and other watercourses throughout the district as provided by law except as provided in Article VI of Chapter 3 of the Code of Indianapolis and Marion County, Indiana;
- (3) To approve, design, construct and maintain levees throughout the district as provided by law;
- (4) To maintain Eagle Creek Dam and regulate water level of the Eagle Creek Reservoir;
- (5) To approve plans and issue permits required by Chapter 10 1/2 of the Code of Indianapolis and Marion County, Indiana;
- (6) To be responsible for weed abatement on public and private property within the consolidated city; and
- (7) To provide engineering services to other divisions as necessary.

(F) Water and land pollution control division. The water and land pollution control division shall have the following powers:

- (1) To provide management and support to the department in the areas of environmental policy and planning for water and land pollution control;
- (2) To perform pollution control programs and services in order to improve the environmental quality in the consolidated city with regard to groundwater, surface water and hazardous waste;
- (3) To approve plans and issue permits for, and otherwise monitor and regulate, industrial, commercial, and any other non-domestic discharges into the sewer system, as described in Chapter 27 of the Code of Indianapolis and Marion County, Indiana;
- (4) To monitor and regulate septage hauling;
- (5) To respond to hazardous waste spills and other emergencies which threaten contamination of sewers, groundwater, or surface water; and
- (6) To provide engineering and technical services to other divisions as necessary.

(G) Sewer maintenance division. The sewer maintenance division shall have the following powers:

- (1) To operate and maintain the wastewater collection system in the consolidated city.
- (2) To design, construct and repair storm and sanitary sewer structures in the consolidated city.
- (3) To measure wastewater flows in sewers and locate sources of clear water entering sanitary sewers.

SECTION 2. Sections 29-385 through 391 of Article VI of Chapter 29 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underscored and deleting the language stricken-through to read as follows:

ARTICLE VI. MOTOR VEHICLES
DIVISION 3. ABANDONED VEHICLES

Sec. 29-385. Purpose.

The purpose of this division shall be to implement the procedures contained in Indiana Code ~~9-9-1-1~~ 9-22-1 which govern the removal, storage and disposal of abandoned vehicles.

Sec. 29-386. Definitions.

(a) The terms used in this section shall have the meanings ascribed to them in Indiana Code ~~9-9-1-1-2~~ 9-22-1-2.

(b) In addition to the definition of "officer" contained in Indiana Code 9-9-1-1-2, "officer" shall also mean a member of the department of public works who is authorized to impound vehicles.

Sec. 29-387. Responsibilities of the department of public safety and the department of public works.

(a) The department of public safety and/or the department of public works shall be charged with the responsibility for the removal, storage and disposal of abandoned vehicles which have been impounded by the Indianapolis Police Department pursuant to Division 2 of Chapter 29 of the Code of Indianapolis and Marion County and/or Indiana Code 9-22-1-1 et seq.

(b) The department of public safety or the department of public works may enter into contractual arrangements for the disposal of vehicles which have been impounded pursuant to Division 2 of Chapter 29 of the Code of Indianapolis and Marion County and/or Indiana Code 9-22-1-1 et seq. and have been declared abandoned pursuant to the provisions of Indiana Code 9-22-1-1 et seq.

~~(c)(a)~~ The department of public works shall be charged with the responsibility for the removal, storage, and disposal of abandoned vehicles other than those designated in subsection (a) of this section.

~~(d)(b)~~ The department of public works may employ personnel, and acquire equipment, property and facilities, to facilitate the removal of abandoned vehicles.

~~(e)(c)~~ The department of public works may enter into contractual arrangements with a towing service to provide for the removal, storage and disposal of abandoned vehicles.

- (1) The contract for these services shall be awarded on the basis of specifications prepared by the department of public works.
- (2) As a prerequisite for submitting a bid or quote, a towing service must maintain processing equipment capable of disposing vehicles by crushing or similar means.

Sec. 29-388. Storage of abandoned vehicles.

Abandoned vehicles which are removed pursuant to Indiana Code 9-9-1.1 shall be towed and stored in an area designated by the department ~~of public works~~ which orders the towing and storage.

Sec. 29-389. Appraisals of vehicles.

If a tagged vehicle or parts are not removed within seventy-two (72) hours of tagging, and the officer suspects the market value of the vehicle is less than one hundred dollars (\$100.00), the vehicle shall be towed to a storage area, and an appraisal shall be performed by an individual designated by the director of the department ~~of public works~~ involved. If the appraisal confirms the market value of the vehicle is less than one hundred dollars (\$100.00), the authorized towing service shall be instructed to provide for the immediate disposal of the vehicle. The department ~~of public works~~ involved shall retain a copy of the appraisal for two years after the disposal of the vehicle.

If the appraisal indicates the market value of the vehicle is greater than one hundred dollars (\$100.00), the notification and disposal procedures in Indiana Code ~~9-9-1-7~~ 9-22-1 shall be followed.

Sec. 29-390. Disposal of vehicles.

Vehicles which have been towed to a storage area and have not been claimed by the record owner or lienholder within the statutory period shall be disposed by means of a public sale in the manner provided by Indiana Code ~~9-9-1-1-7~~ 9-22-1-2 or 9-22-1-23.

Sec. 29-391. Towing and storage charges.

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

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

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

President SerVaas stated that Councillor Golc noted that the County and Townships Committee heard and voted on Proposal No. 309, 1991 on July 9, 1991 when it did not have a quorum; therefore, the President asked for a motion to call down Proposal No. 309, 1991 in order for it to be heard before the Whole Committee. Councillor Cottingham moved, seconded by Councillor Giffin, to hear Proposal No. 309, 1991 at this time. This motion passed by unanimous voice vote.

PROPOSAL NO. 309, 1991. The proposal appoints Clifford R. Snedeker to the Information Services Agency Board.

The President asked for pro or con testimony regarding the appointment of Mr. Snedeker to the Information Services Agency Board. Since no one testified, Councillor Cottingham

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moved, seconded by Councillor Giffin, for adoption. Proposal No. 309, 1991 was adopted by unanimous voice vote.

Proposal No. 309, 1991 was retitled COUNCIL RESOLUTION NO. 55, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 1991

A COUNCIL RESOLUTION appointing Clifford R. Snedeker to the Information Services Agency Board.

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

SECTION 1. As a member of the Information Services Agency Board, the Council appoints:

Clifford R. Snedeker

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

ANNOUNCEMENTS AND ADJOURNMENT

The President stated that there will be a meeting of the Committee on Committees within the next two weeks to consider the problem of committees not having a quorum due to councillors having to be absent due to medical problems.

Councillor Rhodes announced that Proposal No. 185, 1991 dealing with taxis and limousines will be heard at the August 5, 1991 Council meeting. An amended version of Proposal No. 185, 1991 will be mailed to all Councillors.

The President ruled that an executive summary will be completed by the Council's Research Director and distributed to all Councillors.

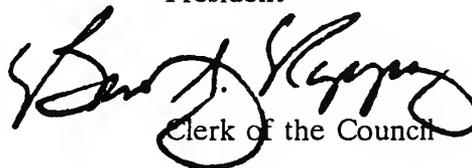
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:45 p.m.

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 22nd day of July, 1991.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President



Clerk of the Council

ATTEST:

(SEAL)