

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

**REGULAR MEETINGS  
MONDAY, SEPTEMBER 9, 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 7:10 p.m. on Monday, September 9, 1991, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

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

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

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

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

*Journal of the City-County Council*

Chambers, on Monday, September 9, 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

August 27, 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, August 29, 1991, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 358, 359, 360, 361, 408 and 410, 1991, to be held on Monday, September 9, 1991, at 7:00 p.m., in the City-County Building.

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

September 5, 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. 55, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Fifty-one Thousand Nine Hundred Twenty-nine Dollars (\$51,929) in the County General Fund for purposes of the Superior Court, Juvenile Division/Detention Center and reducing certain other appropriations from the County Auditor's Budget.

FISCAL ORDINANCE NO. 56, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Hundred Twenty Thousand One Hundred Forty Dollars (\$120,140) in the Flood Control General Fund for purposes of the Department of Public Works, Flood Control Division and reducing the unappropriated and unencumbered balance in the Flood Control General Fund.

GENERAL ORDINANCE NO. 57, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Ten Thousand Five Hundred Dollars (\$10,500) in the Surveyor's Corner Perpetuation Fund for purposes of the County Surveyor and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 58, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional One Hundred Seventy-eight Thousand One Hundred Seventy-eight Dollars (\$178,178) in the County General Fund for purposes of the Superior Court - Juvenile Division/Detention Center and reducing certain other appropriations for that Center.

FISCAL ORDINANCE NO. 59, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Four Thousand (\$4,000) in the County General Fund for purposes of the County Surveyor and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 60, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Fifteen Thousand Twenty-nine Dollars (\$15,029) in the County General Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that office.

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GENERAL ORDINANCE NO. 87, 1991, amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 3, Article I, Sec. 3(C) to change the name of the Personnel Division to the Human Resources Division.

GENERAL ORDINANCE NO. 88, 1991, clarifying the effect of SECTION 2 and SECTION 3 of City-County General Ordinance No. 36, 1991.

GENERAL ORDINANCE NO. 89, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 90, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 91, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 92, 1991, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-267, Parking prohibited at all times on certain streets.

SPECIAL ORDINANCE NO. 9, 1991, approving the execution of an Assignment and Assumption Agreement relating to previously-issued City of Indianapolis Economic Development Revenue Bonds, Series 1988 (Typoservice Corporation Project) in the original principal amount of \$825,000 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 10, 1991, election to fund MECA in 1992 with County Option Income Tax Revenues.

SPECIAL RESOLUTION NO. 69, 1991, recognizing Sue A. Beesley.

SPECIAL RESOLUTION NO. 70, 1991, welcoming the 1991 World Gymnastics Championships to Indianapolis.

SPECIAL RESOLUTION NO. 71, 1991, recognizing the record breaking July 22, 1991 blood drive.

SPECIAL RESOLUTION NO. 72, 1991, recognizing Department of Public Works incentive employees.

SPECIAL RESOLUTION NO. 73, 1991, recognizing the Belmont team state champions.

SPECIAL RESOLUTION NO. 74, 1991, concerning Indianapolis' wastewater treatment.

SPECIAL RESOLUTION NO. 75, 1991, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 76, 1991, approving and authorizing certain actions and proceeding with respect to certain proposed pollution control bonds.

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.

## APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of August 26, 1991. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 470, 1991. This proposal, sponsored by Councillors Gilmer, Boyd, Coughenour and Williams, recognizes Kaye F. Froio. Councillor Gilmer read the resolution and Councillor Boyd presented a framed document to Ms. Froio, who expressed appreciation for the recognition. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 470, 1991 was adopted by unanimous voice vote.

Proposal No. 470, 1991 was retitled SPECIAL RESOLUTION NO. 77, 1991 and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 77, 1991**

A SPECIAL RESOLUTION recognizing Kaye F. Froio.

WHEREAS, Kaye F. Froio of Washington Township served the people of Indianapolis exceptionally well as Executive Secretary on the City-County Council staff from April, 1987, through July, 1991; and

WHEREAS, during that time Ms. Froio, on behalf of the Councillors, assisted hundreds of constituents with problems and questions; and served proficiently as Secretary for the Council's Transportation, Public Works and Municipal Corporations Committees; and

WHEREAS, Ms. Froio served the community with a full measure of professional dedication, and has now returned to the private sector; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Kaye F. Froio for her dedicated service to the Council and to the citizens of Indianapolis from 1987 through 1991.

SECTION 2. The Council wishes her the best of success in her new position, and much happiness and good health in the years to come.

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

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

PROPOSAL NO. 471, 1991. This proposal, sponsored by Councillor Howard, recognizes United States Olympic Committee (USOC) Pro-Am Golf Tournament. Councillor Howard read the resolution and presented a framed document to Richard C. Notebaert, President and Chief Operating Officer of Indiana Bell and Indiana State Chairman of USOC. Mr. Notebaert expressed appreciation for the recognition. Also present were Ray Schultz, Gary Root, Clifford Robinson, David Lee Patton, Mike Green, Mike Vorhis, Tommy Schrader, Brandon Ford and Pack Craig. Councillor Howard moved, seconded by Councillor Borst, for adoption. Proposal No. 471, 1991 was adopted by unanimous voice vote.

Proposal No. 471, 1991 was retitled SPECIAL RESOLUTION NO. 78, 1991 and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 78, 1991**

A SPECIAL RESOLUTION recognizing the USOC Pro-Am Golf Tournament.

WHEREAS, of the 166 national olympic committees worldwide, the United States Olympic Committee (USOC) is one of the few that is not funded by its national government; and

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WHEREAS, the USOC must rely upon the generosity of individuals, foundations, labor and businesses to fund the training costs for American athletes to excel in international competition; and

WHEREAS, Richard C. Notebaert, President and Chief Operating Officer of Indiana Bell in Indianapolis, is the Indiana State Chairman of the USOC; and

WHEREAS, on August 12, 1991, Mr. Notebaert's committee conducted a Pro-Am Golf Tournament at Crooked Stick Golf Club in Carmel to benefit the work of the USOC; and

WHEREAS, this single tournament raised over \$100,000, making it the most financially successful event of its kind ever held in the history of the USOC; 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 applauds the United States Olympic Committee for the excellent work it does in preparing American athletes for international competition.

SECTION 2. The Council specifically recognizes and commends Richard C. Notebaert, and all persons who responded to and who participated in the extremely successful USOC Pro-Am Golf Tournament on August 12, 1991.

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Howard introduced the following members of Boy Scout Troop #265: Todd Kunz, Chris Kunz, Nathan Bradford, Nathan Roberts, Eric Helms, Kyle Clark, Chris Bickel, Matt Prine, Josh Prine and Ed Henry; and their leaders: Fred Kunz, Jerry Bradford and Herb Helms.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 464, 1991. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$750,000 for the Department of Administration, Office of the Director, to provide additional funding for Workmen's Compensation claims for the remainder of 1991"; and the President referred it to the Administration Committee.

PROPOSAL NO. 465, 1991. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving a schedule of ordinance violations for The Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 466, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Chris R. Lowery to the Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 467, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,500 out of the Auditor's budget for the Superior Court, Criminal Division, Room 1, to provide additional funding in Character 2, Supplies, for the remainder of 1991"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 468, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$62,000 for the County Auditor to provide funding for legal representation to the Midtown Community Mental Health Center in its role as petitioner in civil, mental health commitment proceedings against repeat drunken drivers in Municipal Court, Room 3"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 469, 1991. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Oriental Street and Sturm Avenue and Oriental Street and Vermont Street (District 22)"; and the President referred it to the Transportation Committee.

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

PROPOSAL NO. 472, 1991. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on September 6, 1991". The Council did not schedule Proposal No. 472, 1991 for hearing pursuant to IC 36-7-46-608. Proposal No. 472, 1991 was retitled REZONING ORDINANCE NO. 118, 1991 and is identified as follows:

REZONING ORDINANCE NO. 118, 1991. 91-Z-98 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
2424 EAST COUNTY LINE ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS.  
SANDOR KOVAS, by Michael J. Kias, requests the rezoning of 8 acres, being in the C-3 district, to the C-4 classification to provide for commercial development.

PROPOSAL NOS. 473-478, 1991. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on September 6, 1991". The Council did not schedule Proposal Nos. 473-478, 1991 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 473-478, 1991 were retitled REZONING ORDINANCE NOS. 119-124, 1991 and are identified as follows:

REZONING ORDINANCE NO. 119, 1991. 91-Z-93 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 2  
4750 NORTH MICHIGAN ROAD, INDIANAPOLIS.  
MARTIN J. MOORE, by Edward R. Schmidt, requests the rezoning of 6.549 acres, being in the SU-2 district, to the C-S classification to provide for the development of a Transitional Living Center for the care of chemically dependent adolescent females.

REZONING ORDINANCE NO. 120, 1991. 91-Z-96 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5  
6404 WINONA DRIVE, INDIANAPOLIS.  
JOE E. MILLER and BARBARA L. MILLER, by Landman & Beatty, requests the rezoning of 6.955 acres, being in the D-1 district, to the D-2 classification to provide for residential development with the development standards of the D-2 zoning district.

REZONING ORDINANCE NO. 121, 1991. 91-Z-108 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 10  
4401 MASSACHUSETTS AVENUE, INDIANAPOLIS.  
INDIANAPOLIS FRUIT COMPANY, INC., by Mary E. Solada, requests the rezoning of 1 acre, being in the C-7 and D-5 districts, to the I-4-U classification to provide for the development of a maintenance garage for an existing warehouse facility located to the east.

REZONING ORDINANCE NO. 122, 1991. 91-Z-113 AMENDED WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 4

5015 AND 5023 EAST 56TH STREET, INDIANAPOLIS.

COMPAEDICS REALTY G.P., by Vicki L. Anderson, requests the rezoning of 2.085 acres, being in the D-A district, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 123, 1991. 91-Z-114 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 10

2609 EAST 38TH STREET (APPROXIMATE ADDRESS), INDIANAPOLIS.

THORNTON OIL CORPORATION, by Stephen D. Mears, requests the rezoning of 0.99 acre, being in the C-3 and D-5 districts, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 124, 1991. 91-Z-116 (91-DP-10) WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5

11009 EAST 21ST STREET, INDIANAPOLIS.

JUSTUS HOME BUILDERS, by Thomas Michael Quinn, requests the rezoning of 7.837 acres, being in the D-4 and D-P districts, to the D-P classification to provide for the construction of duplex homes.

### SPECIAL ORDERS - PUBLIC HEARING

Councillor Ruhmkorff asked for consent to discuss Proposal Nos. 358, 359, 360 and 361, 1991 together since they all relate to the Marion County Department of Public Welfare. Consent was given.

PROPOSAL NO. 358, 1991. The proposal determines not to allow the Marion County Department of Public Welfare to borrow money to fund welfare services pursuant to IC 12-1-11.5. PROPOSAL NO. 359, 1991. The proposal determines to allow the Marion County Department of Public Welfare to borrow money to fund welfare services pursuant to IC 12-1-11.5. PROPOSAL NO. 360, 1991. The proposal authorizes 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. PROPOSAL NO. 361, 1991. The proposal authorizes 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. Councillor Ruhmkorff stated that the Community Affairs Committee heard Proposal Nos. 358, 359, 360 and 361, 1991 on August 27, 1991, and she asked Councillor Curry to give the Committee report.

Councillor Curry gave the following Committee report:

(1) Proposal No. 358, 1991 should be passed since it denies the borrowing capability for direct funding because the County's general balances and bond rating must be protected. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

(2) Proposal Nos. 359 and 360, 1991 should be rejected because they would allow Public Welfare to borrow against the County General Fund, which would not be appropriate in view of the County's fund balances. By a 7-0 vote, the Committee reported the proposals to the Council with the recommendation that they be stricken.

(3) Proposal No. 361, 1991 should be passed because it gives the power to the County Auditor, after the State Board of Tax Commissioners provides an order, to borrow \$9,760,000 from a financial institution different from County General so the State's welfare obligations can be paid. This is the best way to handle this entitlement, which is an expenditure which must be paid in advance of any operating dollars.

The President called for public testimony on Proposal Nos. 358, 359, 360 and 361, 1991 at 7:40 p.m.

Frank Short, a Democratic candidate for Council in Councilmanic District 21, asked whether there would be a tax increase as a result of borrowing \$9,760,000 to fund the county welfare program. Councillor Curry replied that there will be a tax increase against the overall county rate. He added that higher levels of government continue to pass requirements through entitlements to lower levels of government and fail to provide the mechanisms to pay for them.

Councillor West said that the State now administers the entire welfare program and the County Auditor has labeled the fund "the State Welfare Fund" because the County no longer has accountability for it locally. He added that if the money is borrowed from the County General Fund, the County would lose the interest on their fund balance.

Councillor Moriarty stated that she has a document that shows a fund balance for 1990 of \$17.2 million and part of the moneys were earmarked for the County Department of Public Welfare among a list of other projects. She believes that if that money could be used by the County Department of Public Welfare then there would be no need for an excess levy.

The President explained that the first action is to pass or reject Proposal 358, 1991. If Proposal No. 358, 1991 passes then the second action would be to strike Proposal Nos. 359 and 360, 1991. The President directed the Councillors to cast their ballots for Proposal No. 358, 1991. Proposal No. 358, 1991 was adopted on the following roll call vote; viz:

19 YEAS: *Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Gilmer, Holmes, Irvin, McGrath, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West*

7 NAYS: *Boyd, Golc, Howard, Jones, Moriarty, Solenberg, Williams*

1 NOT VOTING: *Giffin*

2 NOT PRESENT: *Hawkins, Shaw*

Proposal No. 358, 1991 was retitled SPECIAL ORDINANCE NO. 11, 1991 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 1991

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.

WHEREAS, the Marion County Director of Public Welfare (the "Director") has determined that the welfare fund of Marion County, Indiana (the "County"), will be exhausted before the end of the fiscal year ending December 31, 1991; and

WHEREAS, the Director has appealed to the State Board of Public Welfare (the "Board") for the right to borrow Nine Million Seven Hundred Sixty-eight Thousand Dollars (\$9,768,000) on a short term basis to fund welfare services in the County; and

WHEREAS, in said appeal, the Director has shown: (i) that the amount of money contained in the welfare fund of the County will not be sufficient to fund services required to be provided within the County by IC 12-1; and (ii) that the Director estimates that Nine Million Seven Hundred Sixty-eight Thousand Dollars (\$9,768,000) will be needed to fund that deficit; and

WHEREAS, upon receipt of said appeal, the Board: (i) held a public hearing on the topic of whether the County should be allowed to borrow money, (ii) determined that the welfare fund of the County will be exhausted before it can fund all County obligations incurred under IC 12-1, (iii) adopted a resolution at that

meeting supporting the proposal to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), and (iv) transmitted said resolution to the Director; and

WHEREAS, upon receipt of said resolution, the Director submitted the appeal and the Board's resolution to the Board of Commissioners of the County (the "Board of Commissioners") and the Mayor of the City of Indianapolis, Indiana (the "Mayor"); and

WHEREAS, upon receipt of said request, the Board of Commissioners and the Mayor determined not to loan the requested amount to the County Department of Public Welfare (the "Department"); and

WHEREAS, the Board of Commissioners and the Mayor have submitted the request to the Auditor of the County (the "Auditor"), who has requested a special meeting of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"), at which meeting the City-County Council is to determine whether or not to allow the Department to borrow money; and

WHEREAS, the City-County Council now finds and determines that the appeal and request of the Director should not be granted and that the Department should not be allowed to borrow money under IC 12-1-11.5-4; now therefore:

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

SECTION 1. The City-County Council hereby finds and determines that the appeal and request of the Director is not granted and that the Department should not be allowed to borrow money under Indiana Code 12-1-11.5-4 to fund welfare services in the County.

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

The Chair asked for a motion to strike Proposal Nos. 359 and 360, 1991. Councillor Irvin moved, seconded by Councillor Curry, to strike. Proposal Nos. 359 and 360, 1991 were stricken by unanimous voice vote.

Councillor Ruhmkorff moved to amend Section 10 of Proposal No. 361, 1991 by deleting the stricken-through text and inserting the underlined text to read as follows:

SECTION 10. The proceeds from the sale of the Notes, in the amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), are hereby appropriated in Character 03 of the Welfare General Fund for the benefit of the State Department of Welfare ~~for to pay for the Department's County welfare obligations during~~ the fiscal year ending December 31, 1991, including payment of costs of issuance of the Notes.

This motion was seconded by Councillor Curry and passed by unanimous voice vote.

Councillor Howard asked the County Auditor if there is any money left in the fund that Councillor Moriarty referred to and, if there is, then there would be no need for the County Department of Public Welfare to borrow the whole \$9.7 million. John von Arx, County Auditor, replied that the County does not have the money to loan the County Department of Public Welfare.

The President asked the Councillors to cast their ballots on Proposal No. 361, 1991, as amended. Proposal No. 361, 1991, as amended, was adopted on the following roll call vote; viz:

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

Councillor Irvin asked for consent to explain his vote. Consent was given. He said that he believes that it is irresponsible government to vote no on this particular issue since it is mandated by the State.

Proposal No. 361 , 1991, as amended, was retitled SPECIAL ORDINANCE NO. 12, 1991 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 12, 1991

A SPECIAL ORDINANCE authorizing the County Auditor, upon receipt of an order from the State Board of Tax Commissioners, to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) from a financial institution on behalf of the County Department of Public Welfare to pay for the Department's County welfare obligations pursuant to IC 12-1-11.5 and appropriating the proceeds of the borrowing.

WHEREAS, the Marion County Director of Public Welfare (the "Director") has determined that the welfare fund of Marion County, Indiana (the "County"), will be exhausted before the end of the fiscal year ending December 31, 1991; and

WHEREAS, the Director has appealed to the State Board of Public Welfare (the "Board") for the right to borrow Nine Million Seven Hundred Sixty-eight Thousand Dollars (\$9,768,000) on a short term basis to fund welfare services in the County; and

WHEREAS, in said appeal, the Director has shown: (i) that the amount of money contained in the welfare fund of the County will not be sufficient to fund services required to be provided within the County by IC 12-1; and (ii) that the Director estimates that Nine Million Seven Hundred Sixty-eight Thousand Dollars (\$9,768,000) will be needed to fund that deficit; and

WHEREAS, upon receipt of said appeal, the Board: (i) held a public hearing on the topic of whether the County should be allowed to borrow money, (ii) determined that the welfare fund of the County will be exhausted before it can fund all County obligations incurred under IC 12-1, (iii) adopted a resolution at that meeting supporting the proposal to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), and (iv) transmitted said resolution to the Director; and

WHEREAS, upon receipt of said resolution, the Director submitted the appeal and the Board's resolution to the Board of Commissioners of the County (the "Board of Commissioners") and the Mayor of the City of Indianapolis, Indiana (the "Mayor"); and

WHEREAS, upon receipt of said request, the Board of Commissioners and the Mayor determined not to loan the requested amount to the County Department of Public Welfare (the "Department"); and

WHEREAS, the Board of Commissioners and the Mayor submitted the request to the Auditor of the County (the "Auditor"), who requested a special meeting of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"), at which meeting the City-County Council was to determine whether or not to allow the Department to borrow money; and

WHEREAS, the City-County Council found and determined that the appeal and request of the Director should not be granted and that the Department should not be allowed to borrow money under IC 12-1-11.5-4; and

WHEREAS, IC 12-1-11.5-4 provides that, if the City-County Council determines that the Board should not be allowed to borrow money under IC 12-1-11.5-4, the Director may appeal to the State Board of Tax Commissioners for the right to borrow money to pay for the Department's County welfare obligations; and

WHEREAS, upon such an appeal, the State Board of Tax Commissioners may order the Auditor to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) from a financial institution on behalf of the Department; and

WHEREAS, the City-County Council hereby finds and determines that, upon receipt of such an order (an "Order"), it will be necessary for the County to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) from a financial institution on behalf of the Department and to issue notes in the aggregate principal amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) (the "Notes"), in order to pay for the Department's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issue of the Notes; and

WHEREAS, the Board of Commissioners has filed with the City-County Council an estimate and request showing that, upon receipt of an Order, the unfunded cost of paying for the Department's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issuance of the Notes, will be in the amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) and that, upon receipt of an Order, the County will be required to provide and appropriate said amount for the payment of said obligations;

WHEREAS, the City-County Council hereby finds and determines that, upon receipt of an Order, the County will not have sufficient moneys available or provided for in the existing budgets and tax levies which may be applied to pay for the Department's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issuance of the Notes, making it a necessity for the making of the additional appropriation hereinafter set out; now therefore:

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

SECTION 1. Upon receipt of an Order, the Auditor is hereby authorized and directed to borrow Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) from a financial institution on behalf of the Department to pay for the Department's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issuance of any notes evidencing such borrowing. In order to procure this loan, this City-County Council is hereby authorized and directed to have prepared and to issue and sell negotiable general obligation notes of the County, to be designated as "Marion County, Indiana, Public Welfare General Obligation Notes of 1991," in the aggregate principal amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000) (the "Notes"). The Notes shall be issued in fully registered form in the denomination of One Hundred Thousand Dollars (\$100,000) or any integral multiple of Five Thousand Dollars (\$5,000) in excess of One Hundred Thousand Dollars (\$100,000), not exceeding the aggregate principal amount of the Notes maturing on any semi-annual maturity date, shall be numbered consecutively from 91R-1 upwards, and shall bear interest at a rate or rates not exceeding ten percent (10%) per annum (the exact rate or rates to be determined by negotiation with a financial institution (the "Bank") as determined by the Auditor), which interest shall be payable semi-annually on the thirtieth (30th) day of June and the thirty-first (31st) day of December of each year, commencing June 30, 1992. Interest shall be calculated on the basis of the actual number of days elapsed during a three hundred sixty-five (365) -day year. The Notes shall mature in two (2) semi-annual series, each series being payable on the dates and in the amounts as follows:

<u>Date</u>	<u>Principal Amount</u>
June 30, 1992	\$4,880,000
December 31, 1992	\$4,880,000

The principal of the Notes shall be payable at the office of the Treasurer of Marion County, Indiana, as paying agent (the "Paying Agent"), in the City of Indianapolis, Indiana. Interest on the Notes shall be paid by check or draft mailed or delivered to the registered owner thereof at the address as it appears on the registration books kept by the Treasurer of Marion County, Indiana, as registrar (the "Registrar"), in the City of Indianapolis, Indiana, as of the fifteenth (15th) day of the month of the interest payment date or at such other address as is provided to the Paying Agent in writing by such registered owner. All payments on the Notes shall be made in any coin or currency of the United States of America, which on the dates of such payments shall be legal tender for the payment of public and private debts.

Each Note shall be transferable or exchangeable only upon the books of the County kept for that purpose at the office of the Registrar by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Note together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Note or Notes in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The Registrar shall not be obligated to make any exchange or transfer of Notes following the fifteenth (15th) day of the month of an interest payment date on the Notes until such interest payment date. The County, the Registrar and the Paying Agent may treat and consider the person in whose name any Note is registered as the absolute owner thereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Note is mutilated, lost, stolen or destroyed, the County may execute and the Registrar may authenticate a new Note of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Note shall be marked in a manner to distinguish it from the Note for which it was issued, provided that, in the case of any mutilated Note, such mutilated Note shall first be surrendered to the County and the Registrar, and, in the case of any lost, stolen or destroyed Note, there shall be first furnished to the County and the Registrar evidence of such loss, theft or destruction satisfactory to the County and the Registrar, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Note shall have matured,

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instead of issuing a duplicate Note, the County and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. In such event, the County and the Registrar may charge the holder of such Note with their reasonable fees and expenses in connection with the above. Every substitute Note issued by reason of any Note being lost, stolen or destroyed shall, with respect to such Note, constitute a substitute contractual obligation of the County, whether or not the lost, stolen or destroyed Note shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Notes duly issued hereunder.

The Notes shall bear an original date which shall be the day on which the Notes are initially delivered to the purchaser or purchasers thereof, and each Note shall also bear the date of its authentication. Notes authenticated on or before June 15, 1992, shall be paid interest from the original date. Notes authenticated thereafter shall be paid interest from the interest payment date next preceding the date of authentication of such Notes unless the Notes are authenticated between the fifteenth (15th) day of the month of an interest payment date and the interest payment date, in which case interest thereon shall be paid from such interest payment date.

The Notes shall be executed in the name of the County by the manual or facsimile signatures of the Board of Commissioners and attested by the manual or facsimile signature of the Auditor, who shall cause the official seal of the County to be impressed or a facsimile thereof to be printed or otherwise reproduced on each of the Notes. Subject to the provisions for registration, the Notes shall be negotiable under the laws of the State of Indiana.

The Notes shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Note shall be valid or obligatory for any purpose until the certificate of authentication on such Note shall have been so executed.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the County and by first-class mail to each registered owner of Notes then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the County. Notices to registered owners of Notes shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

SECTION 2. The form and tenor of the Notes shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Notes):

[Form of Note]

UNITED STATES OF AMERICA

State of Indiana

County of Marion

No. 91R-\_\_\_\_\_

\$ \_\_\_\_\_

MARION COUNTY, INDIANA  
PUBLIC WELFARE GENERAL OBLIGATION NOTE OF 1991

INTEREST	MATURITY	ORIGINAL	AUTHENTICATION
RATE	DATE	DATE	DATE

REGISTERED OWNER:

PRINCIPAL SUM:

The County of Marion, in the State of Indiana ("the County"), for value received, hereby acknowledges itself indebted and promises to pay to the registered owner (named above) or registered assigns, the principal amount set forth above on the maturity date set forth above, and to pay interest on said principal sum to the registered owner of this note until the County's obligation with respect to the payment of said principal sum shall be discharged, at the rate per annum specified above from the interest payment date immediately preceding the date of the authentication of this note, unless this note is authenticated on or before June 15, 1992, in which case interest shall be paid from the original date specified above, or unless this note is authenticated between the fifteenth (15th) day of the month of an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on the thirtieth (30th) day of June and the thirty-first (31st) day of December of each year, commencing June 30, 1992. Interest shall be calculated on the basis of the actual number of days elapsed during a three hundred sixty-five (365) -day year.

September 9, 1991

The principal of this note is payable at the principal office of the Treasurer of Marion County, Indiana, as paying agent (the "Paying Agent"), in the City of Indianapolis, Indiana. Interest on this note shall be paid by check or draft mailed or delivered to the registered owner hereof at the address as it appears on the registration books kept by the Treasurer of Marion County, Indiana, as registrar (the "Registrar"), in the City of Indianapolis, Indiana, as of the fifteenth (15th) day of the month of the interest payment date or at such other address as is provided to the Paying Agent in writing by the registered owner. All payments on this note shall be made in any coin or currency of the United States of America which on the dates of such payments shall be legal tender for the payment of public and private debts. Subject to the provisions for registration, this note is negotiable under the laws of the State of Indiana.

This note is one of an authorized issue of notes of the County of Marion, Indiana, aggregating Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), numbered consecutively from 91R-1 upwards, issued pursuant to the provisions of Title 12, Article 1, Chapter 11.5 of the Indiana Code (the "Act"), and in accordance with an ordinance adopted by the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"), on the \_\_\_ day of \_\_\_\_\_, 1991, entitled "Special Ordinance No. \_\_\_\_" (the "Ordinance"), authorizing the making of a loan by the City-County Council to pay for the Marion County Department of Public Welfare's County welfare obligations during the fiscal year ending December 31, 1991, including payment of costs of issuance of said notes. Pursuant to the Act, the Auditor of Marion County, Indiana, is required to levy a property tax, beginning in 1992 and continuing for the term of the loan, in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

This note is transferable or exchangeable only upon the books of the County kept for that purpose at the office of the Registrar by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this note together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered note or notes in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The Registrar shall not be obligated to make any exchange or transfer of this note following the fifteenth (15th) day of the month of an interest payment date on this note until such interest payment date. The County, the Registrar and the Paying Agent may treat and consider the person in whose name this note is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this note is mutilated, lost, stolen or destroyed, the County may execute and the Registrar may authenticate a new note of like date, maturity and denomination as this note, which new note shall be marked in a manner to distinguish it from this note, provided that, in the case of this note being mutilated, this note shall first be surrendered to the County and the Registrar, and, in the case of this note being lost, stolen or destroyed, there shall first be furnished to the County and the Registrar evidence of such loss, theft or destruction satisfactory to the County and the Registrar, together with indemnify satisfactory to them. In the event that this note, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate note, the County and the Registrar may, upon receiving indemnity satisfactory to them, pay this note without surrender hereof. In such event, the County and the Registrar may charge the holder of this note with their reasonable fees and expenses in connection with the above. Every substitute note issued by reason of this note being lost, stolen or destroyed shall, with respect to this note, constitute a substitute contractual obligation of the County, whether or not this note, being lost, stolen or destroyed, shall be found at any time, and shall be entitled to all the benefits of the Ordinance referred to above, equally and proportionately with any and all other notes duly issued thereunder.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the County and by first-class mail to each registered owner of notes then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the County. Notices to registered owners of notes shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

The notes maturing on any semi-annual maturity date are issuable only in fully registered form in the denomination of One Hundred Thousand Dollars (\$100,000) or any integral multiple of Five Thousand Dollars (\$5,000) in excess of One Hundred Thousand Dollars (\$100,000), not exceeding the aggregate principal amount of the notes maturing on such date.

The City-County Council may, from time to time and at any time, without the consent of, or notice to, any of the owners of the notes, adopt ordinances supplemental to the Ordinance (which supplemental ordinances shall thereafter form a part of the Ordinance) for any one or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in the Ordinance or in any supplemental ordinance;

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(b) To grant to or confer upon the owners of the notes any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the notes, or to make any change which, in the judgment of the City-County Council, is not to the prejudice of the owners of the notes;

(c) To modify, amend or supplement the Ordinance to permit the qualification of the notes for sale under the securities laws of the United States of America or of any of the states of the United States of America or to obtain or maintain bond insurance with respect to payments of principal of and interest on the notes;

(d) To provide for the refunding or advance refunding of the notes;

(e) To procure a rating on the notes from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the notes; or

(f) Any other purpose which in the judgment of the City-County Council does not adversely impact the interests of the owners of the notes.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the County and the owners of the notes may (with certain exceptions as stated in the Ordinance) be modified or amended at any time with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding notes, exclusive of notes, if any, owned by the County.

If this note or any portion hereof shall have become due and payable in accordance with its terms and the whole amount of the principal and interest so due and payable upon this note or such portion hereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in clause (ii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, then and in such event this note or such portion hereof shall no longer be deemed outstanding or an indebtedness of the County.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this note have been done and performed in regular and due form as provided by law; that this note and said total issue of notes is within every limit of indebtedness provided by the constitution and laws of the State of Indiana, and that the full faith and credit of Marion County together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal and interest of this note according to its terms.

This note shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the County of Marion, Indiana, has caused this note to be executed by the manual or facsimile signatures of its duly elected, qualified and acting Board of Commissioners and attested by the manual or facsimile signature of the duly elected, qualified and acting Auditor of Marion County, Indiana, who has caused the official corporate seal of the County to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

THE COUNTY OF MARION, INDIANA

By: \_\_\_\_\_

\_\_\_\_\_

THE BOARD OF COMMISSIONERS OF  
THE COUNTY OF MARION, INDIANA

(SEAL)

ATTEST:

\_\_\_\_\_  
Auditor, County of Marion, Indiana

September 9, 1991

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within mentioned Ordinance.

TREASURER, COUNTY OF MARION, INDIANA

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto (insert name and address) \_\_\_\_\_ the within note and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney to transfer the within note on the books kept for the registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within note in every particular, without alternation or enlargement or any change whatsoever.

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

[End of Note]

SECTION 3. As soon as can be done after the passage of this Ordinance, the Auditor shall negotiate for the sale of the Notes with a financial institution. The Notes shall be sold at any interest rate or rates not exceeding ten percent (10%) per annum, and may be subject to any premium or discount, all as determined through negotiation with the financial institution, consistent with the best interest of the County and the terms of this Ordinance.

Prior to the delivery of the Notes, the Auditor shall be authorized to obtain a legal opinion as to the validity of the Notes from Barnes & Thornburg, Indianapolis, Indiana, and to furnish such opinion to the purchaser or purchasers of the Notes. The cost of such opinion shall be considered as part of the costs of issuance of the Notes and shall be paid out of proceeds of the Notes.

SECTION 4. The City-County Council may, from time to time and at any time, without the consent of, or notice to, any of the owners of the Notes, adopt ordinances supplemental hereto (which supplemental ordinances shall thereafter form a part hereof) for any one or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance;

(b) To grant to or confer upon the owners of the Notes any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Notes, or to make any change which, in the judgment of the City-County Council, is not to the prejudice of the owners of the Notes;

(c) To modify, amend or supplement this Ordinance to permit the qualification of the Notes for sale under the securities laws of the United States of America or of any of the states of the United States of America or to obtain or maintain bond insurance with respect to payments of principal of and interest on the Notes;

(d) To provide for the refunding or advance refunding of the Notes;

(e) To procure a rating on the Notes from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Notes; or

(f) Any other purpose which in the judgment of the City-County Council does not adversely impact the interests of the owners of the Notes.

This Ordinance and the rights and obligations of the County and the owners of the Notes may be modified or amended at any time by supplemental ordinances adopted by the City-County Council with the consent of the owners of the Notes holding at least sixty percent (60%) in aggregate principal amount of the outstanding Notes (exclusive of Notes, if any, owned by the County); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Notes affected, reduce the principal amount of any Note, reduce the interest rate or premium payable thereon, advance the earliest redemption date, extend its maturity or the times for paying interest thereon, permit a privilege or priority of any Note or Notes over any other Note or Notes, create a lien securing any Notes other than a lien ratably securing all of the Notes outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Notes and shall not be deemed an infringement of any of the provisions of this Ordinance, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and, after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the City-County Council or any officer of the County from taking any action pursuant thereto.

If the City-County Council shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the respective owners of the Notes at their addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Notes. The Registrar shall not, however, be subject to any liability to any owners of the Notes by reason of its failure to mail the notice described in this Section 4, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 4.

Whenever at any time within one (1) year after the date of the mailing of such notice, the City-County Council shall receive an instrument or instruments purporting to be executed by the owners of the Notes of not less than sixty percent (60%) in aggregate principal amount of the Notes then outstanding (exclusive of Notes, if any, owned by the County), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City-County Council may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Notes, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 4, this Ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

**SECTION 5.** If, when the Notes or any portion thereof shall have become due and payable in accordance with their terms and the whole amount of the principal and interest so due and payable upon the Notes or such portion thereof then outstanding shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in clause (ii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, then and in such event the Notes or such portion thereof shall no longer be deemed outstanding or an indebtedness of the County.

**SECTION 6.** In order to preserve the exclusion from gross income of interest on the Notes under federal law, the County represents, covenants and agrees that, to the extent necessary to preserve such exclusion:

(a) No person or entity or any combination thereof, other than the County or any other governmental unit ("Governmental Unit") within the meaning of Section 141(b)(6) and Section 150(a)(2) of the Internal Revenue Code of 1986, as amended and as in effect on the date of delivery of the Notes (the "Code"), will use any proceeds of the Notes or property financed by such proceeds other than as a member of the general public; and no person or entity or any combination thereof other than the County or any other Governmental Unit will own any property financed out of the proceeds of the Notes or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use of such property by the public at large;

(b) No Note proceeds will be lent to any entity or person; and no Note proceeds will be transferred directly or indirectly transferred or deemed transferred to a person other than a Governmental Unit in a fashion that would in substance constitute a loan of such Note proceeds;

(c) The County will not take any action or fail to take any action with respect to the Notes that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the Notes pursuant to Section 103(a) of the Code, and the City-County Council will not act or permit any actions by officers or officials of the County that would in any manner adversely affect such exclusion; the County further covenants that it will not make any investment or do any other act or thing during the period that any Note is outstanding hereunder which would cause any Note to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Notes; and the County shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable;

(d) All officers, employees and agents of the County are hereby authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the County as of the date that the Notes are issued, and to make covenants on behalf of the County evidencing the County's commitments made herein and, in particular, any and all appropriate officers, employees and agents of the County are authorized to certify and/or enter into covenants for the County regarding (i) the facts and circumstances and reasonable expectations of the County on the date that the Notes are issued and (ii) the representations and covenants made herein by the County regarding the amount and use of the proceeds of the Notes; and

(e) The County is hereby authorized and directed to employ consultants and attorneys from time to time to advise the County with respect to the requirements under federal law for the continuing preservation of the exclusion of interest on the Notes from gross income for purposes of federal income taxation.

SECTION 7. Notwithstanding any other provision of this Ordinance, any of the covenants and authorizations contained in this Ordinance (the "Tax Sections") which are designed to preserve the exclusion of interest on the Notes from gross income for purposes of federal income taxation (the "Tax Exemption") need not be complied with if the County receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 8. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the city in which the Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 9. The Auditor is hereby authorized and directed to have the Notes prepared and cause to be affixed thereto the official seal of the County, or to have printed or otherwise reproduced thereon a facsimile of such seal, and the Board of Commissioners and the Auditor are hereby authorized and directed to execute the Notes manually or with a facsimile of their signatures in the form and manner herein provided.

SECTION 10. The proceeds from the sale of the Notes, in the amount of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), are hereby appropriated in Character 03 of the Welfare General Fund for the benefit of the State Department of Welfare for the fiscal year ending December 31, 1991, including payment of costs of issuance of the Notes.

SECTION 11. This ordinance shall be in full force an effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 408 and 410, 1991. PROPOSAL NO. 408, 1991. The proposal appropriates \$25,000 to pay the salaries for two additional deputy prosecutors for the sex crimes division. PROPOSAL NO. 410, 1991. The proposal appropriates \$181,740 for the Justice Agency to utilize forfeiture funds to pay outstanding debts and purchase equipment. Councillor Dowden asked for consent to postpone Proposal Nos. 408 and 410, 1991 until October 14, 1991. Consent was given.

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 414, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 414, 1991 on September 6, 1991. The proposal concerns a self-insurance program for the ash monofill. By a 5-0 vote, the Committee reported the

proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption. Proposal No. 414, 1991 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*5 NOT VOTING: Clark, Dowden, Giffin, Schneider, Williams*

*2 NOT PRESENT: Hawkins, Shaw*

Proposal No. 414, 1991 was retitled SPECIAL RESOLUTION NO. 79, 1991 and reads as follows:

CITY-COUNTY COUNCIL SPECIAL RESOLUTION NO. 79, 1991

A SPECIAL RESOLUTION concerning a self-insurance program for the ash monofill.

WHEREAS, Indiana Code 13-7-32-4 (P.L.128-1991) requires a person applying for a solid waste landfill operating permit to establish financial responsibility for the costs of closure and post-closure monitoring and maintenance; and

WHEREAS, Indiana Code 13-7-32-5 provides that a person may establish financial responsibility for such costs by filing a trust agreement, surety bond, insurance policy, or letter of credit with the commissioner of the Indiana Department of Environmental Management; and

WHEREAS, Indiana Code 13-7-32-9 provides that a municipal corporation that owns or operates a solid waste landfill that is used exclusively to dispose of ash and complies with construction standards established under the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*) and regulations adopted thereunder in effect on January 1, 1991, is not required to establish financial responsibility in the manner provided by Indiana Code 13-7-32-5 if the fiscal body of the municipal corporation adopts a resolution wherein the fiscal body elects to practice self insurance with respect to such costs; and

WHEREAS, the City of Indianapolis, Department of Public Works (DPW) owns and operates a solid waste landfill that meets the criteria set forth in Indiana Code 13-7-32-9(a); and

WHEREAS, DPW has determined that meeting closure and post-closure monitoring and maintenance costs as they are incurred should not pose financial difficulties, given the stability of the City's finances, and that incurring the additional cost of a trust fund, letter of credit, surety bond, or insurance policy is unnecessary; and

WHEREAS, the City-County Council, as the fiscal body of the municipal corporation, may elect, under these circumstance, to avoid these unnecessary costs and to adopt a self insurance program.

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

SECTION 1. The Council elects to practice self-insurance with respect to the costs of closure and post-closure monitoring and maintenance for the ash monofill.

SECTION 2. The Council commits to the expeditious transfer of funds to meet the costs of closure and post-closure monitoring and maintenance as those costs are incurred.

SECTION 3. The Council finds that the self-insurance program is adequate to meet the costs of closure and post-closure monitoring and maintenance.

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

PROPOSAL NOS. 416, 417, 418, 420, 421, 422, 423 and 424, 1991. Councillor Gilmer asked for consent to vote on these transportation proposals together. Consent was given. PROPOSAL NO. 416, 1991. The proposal amends the Code by authorizing intersection controls in the Country Farms subdivision (District 1). PROPOSAL NO. 417, 1991. The

proposal amends the Code by authorizing intersection controls in the Country Club Pines subdivision and authorizing a one-way traffic flow on Country Club Pines Drive and on Country Club Pines Drive North (District 1). PROPOSAL NO. 418, 1991. The proposal amends the Code by authorizing intersection controls in the Southern Lakes subdivision (District 13). PROPOSAL NO. 420, 1991. The proposal amends the code by authorizing intersection controls in the Ballinshire subdivision (District 1). PROPOSAL NO. 421, 1991. The proposal amends the Code by authorizing intersection controls in the Pines of Fall Creek subdivision (District 3). PROPOSAL NO. 422, 1991. The proposal amends the Code by authorizing intersection controls in the Lake Charlevoix subdivision (District 4). PROPOSAL NO. 423, 1991. The proposal amends the Code by authorizing intersection controls in the Valley View Farms subdivision (District 25). PROPOSAL NO. 424, 1991. The proposal amends the Code by authorizing intersection controls in the Cornerbrook Commons subdivision (District 4). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 416, 417, 418, 420, 421, 422, 423 and 424, 1991 on September 4, 1991. By a 5-0 vote, the Committee reported these proposals to the Council with the recommendation that they do pass. Proposal Nos. 416, 417, 418, 420, 421, 422, 423 and 424, 1991 were adopted on the following roll call vote; viz:

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

Proposal No. 416, 1991 was retitled GENERAL ORDINANCE NO. 93, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 3	Moller Rd. & Summerhill Blvd.	Moller Rd. Rd.	Stop
9, Pg. 3	Prestonwood Ct., Prestonwood Dr. & Summerhill Blvd.	Prestonwood Ct. & Prestonwood Dr.	Stop
9, Pg. 3	Rosemont Ct., Rosemont Dr., & Summerhill Blvd.	Summerhill Blvd.	Stop

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

Proposal No. 417, 1991 was retitled GENERAL ORDINANCE NO. 94, 1991 and reads as follows:

*Journal of the City-County Council*

CITY-COUNTY GENERAL ORDINANCE NO. 94, 1991

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls, and Section 29-166, One-way streets and alleys designated.

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 2	Country Club Pines Dr. & Country Club Rd.	Country Club Rd.	Stop
15, Pg. 2	Country Club Pines Dr. N. & Country Club Rd.	None	None
15, Pg. 2	Country Club Pines, Dr. N. & Inverrary Dr.	Inverrary Dr.	Stop
15, Pg. 2	Country Club Pines Dr., Inverrary Ct. & Inverrary Dr.	Country Club Pines Dr.	Stop
15, Pg. 2	Country Club Pines Dr. & Mission Hills Ln.	Country Club Pines Dr.	Stop

SECTION 2. That the "Code of Indianapolis and Marion County, Indiana", specifically Chapter 29, Section 29-166, One-way streets and alleys designated, be, and the same is hereby amended by the addition of the following, to wit:

EASTBOUND

Country Club Pines Dr. from  
Inverrary Dr. to Country Club Rd.

WESTBOUND

Country Club Pines Dr. N. from  
Inverrary Dr. to Country Club Rd.

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

Proposal No. 418, 1991 was retitled GENERAL ORDINANCE NO. 95, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 1991

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

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

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

September 9, 1991

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47, Pg. 1	Arlington Av. & Gunyon Way	Arlington Av.	Stop
47, Pg. 1	Chris Anne Ci. & Gunyon Way	Gunyon Way	Yield
47, Pg. 1	Chris Anne Ct. & Chris Anne Dr.	Chris Anne Dr.	Yield
47, Pg. 1	Chris Anne Dr. & Gunyon Way	Gunyon Way	Stop
47, Pg. 1	Connie Dr. & Muirfield Pl.	Muirfield Pl.	Stop
47, Pg. 2	Glen Shire Le. & Muirfield Pl.	Muirfield Pl.	Stop
47, Pg. 2	Gunyon Way & Muirfield Pl.	Gunyon Way	Stop
47, Pg. 2	Muirfield Way & Southern Lakes Dr.	Muirfield Way	Stop

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

Proposal No. 420, 1991 was retitled GENERAL ORDINANCE NO. 97, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 1	Ballinshire North & Ballinshire South	Ballinshire South	Stop
15, Pg. 1	Ballinshire North & Bantry Ct.	Ballinshire North	Yield
15, Pg. 1	Ballinshire North & Torbay Ci.	Ballinshire North	Stop
15, Pg. 1	Ballinshire North & Tullamore Ct.	Ballinshire North	Yield
15, Pg. 1	Ballinshire South & Dandy Trail	Dandy Trail	Stop
15, Pg. 1	Ballinshire South & Kilkenny Ct.	Ballinshire South	Stop
15, Pg. 1	Ballinshire South & Roscommon Ct.	Ballinshire South	Stop

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

Proposal No. 421, 1991 was retitled GENERAL ORDINANCE NO. 98, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
13, Pg. 3	Crimson King Ct. & Pine Royal Dr.	Pine Royal Dr.	Stop
13, Pg. 3	Fall Creek Rd. & Pine Royal Dr.	Fall Creek Rd.	Stop

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

Proposal No. 422, 1991 was retitled GENERAL ORDINANCE NO. 99, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
13, Pg. 2	Calais Ci., Calais Dr. & Chaminoix Le.	Calais Ci. & Calais Dr.	Stop
13, Pg. 2	Calais Pl., Calais Dr. & Margaux Le.	Calais Dr. & Margaux Le.	Yield
13, Pg. 2	Charlevoix Le., Cherbourg Ci. & Cherbourg Dr.	Cherbourg Ci. & Cherbourg Dr.	Stop
13, Pg. 2	Chaminoix Le. & Fall Creek Pkwy., N. Dr.	Fall Creek Pkwy., N. Dr.	Stop
13, Pg. 2	Charlevoix Le. & Fall Creek Rd.	Fall Creek Rd.	Stop

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

Proposal No. 423, 1991 was retitled GENERAL ORDINANCE NO. 100, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
45, Pg. 3	Friendship Dr. & Green Valley Dr.	Friendship Dr.	Stop
45, Pg. 3	Green Valley Ct., Green Valley Dr., & Green Valley Ln.	Green Valley Ct. & Green Valley Dr.	Stop

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

Proposal No. 424, 1991 was retitled GENERAL ORDINANCE NO. 101, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 2	Cornerbrook Ct. & Westfield Blvd.	Westfield Blvd.	Stop

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

PROPOSAL NO. 419, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 419, 1991 on September 4, 1991. The proposal amends the Code by authorizing traffic signals at DowElanco Drive and 86th Street and at Northwest Parkway and 86th Street (District 1). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption. Proposal No. 419, 1991 was adopted on the following roll call vote; viz:

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

Proposal No. 419, 1991 was retitled GENERAL ORDINANCE NO. 96, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2, Pg. 1	Access road & 86th St. (5800 W.)	None	Signal
2, Pg. 2	Northwest Pkwy. & 86th St.	None	Signal

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

PROPOSAL NO. 425, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 425, 1991 on September 4, 1991. The proposal amends the Code by authorizing a traffic signal on High School Road (3850 North) at the K-Mart/Target access drive (District 8). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor McGrath, for adoption. Proposal No. 425, 1991 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: *Clark, Giffin, Gilmer, Irvin, Schneider*

2 NOT PRESENT: *Hawkins, Shaw*

Proposal No. 425, 1991 was retitled GENERAL ORDINANCE NO. 102, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16, Pg. 1	Access drive (3850 N.) & High School Rd.	None	Signal

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

PROPOSAL NO. 426, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 426, 1991 on September 4, 1991. The proposal amends the Code by authorizing a traffic signal at McFarland Boulevard and Southport Road (District 24). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption. Proposal No. 426, 1991 was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Golc, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West*

0 NAYS:

5 NOT VOTING: *Clark, Giffin, Gilmer, Irvin, Williams*

2 NOT PRESENT: *Hawkins, Shaw*

Proposal No. 426, 1991 was retitled GENERAL ORDINANCE NO. 103, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
48, PG. 2	McFarland Blvd. & Southport Rd.	None	Signal

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

PROPOSAL NO. 427, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 427, 1991 on September 4, 1991. The proposal amends the Code by authorizing a multi-way stop at Zionsville Road and 62nd Street as an interim measure until a signal can be installed (District 1). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Golc, for adoption. Proposal No. 427, 1991 was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: *Brooks, Giffin, Irvin, Schneider*

2 NOT PRESENT: *Hawkins, Shaw*

Proposal No. 427, 1991 was retitled GENERAL ORDINANCE NO. 104, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 4	Zionsville Rd. & 62nd St.	62nd St.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 4	Zionsville Rd. & 62nd St.	None	Stop

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

PROPOSAL NO. 428, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 428, 1991 on September 4, 1991. The proposal amends the Code by deleting the weight-limit restriction on a segment of Southport Road, east of Emerson Avenue (District 13). By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption.

Councillor Brooks said he would be abstaining on this proposal due to a possible conflict of interest.

Proposal No. 428, 1991 was adopted on the following roll call vote; viz:

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

Proposal No. 428, 1991 was retitled GENERAL ORDINANCE NO. 105, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 1991

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

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

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

September 9, 1991

11,000 POUNDS GROSS WEIGHT

Southport Road, from Emerson Avenue east  
to Arlington Avenue

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

PROPOSAL NO. 432, 1991. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 432, 1991 on September 4, 1991. The proposal amends the Code by authorizing parking restrictions on Oaklandon Road, on both sides, from Pendleton Pike to the Conrail Railroad (District 5). By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Strader, for adoption. Proposal No. 432, 1991 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*4 NOT VOTING: Clark, Cottingham, Dowden, Giffin*

*2 NOT PRESENT: Hawkins, Shaw*

Proposal No. 432, 1991 was retitled GENERAL ORDINANCE NO. 106, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 1991

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

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

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

Oaklandon Road, on both sides, from  
Pendleton Pike to Conrail Railroad

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

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:20 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 9th day of September, 1991.

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

*Burt SerVaas*

President

ATTEST:

*David J. Kuyper*  
Clerk of the Council

(SEAL)