

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

**REGULAR MEETINGS  
MONDAY, SEPTEMBER 8, 1992**

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 7:05 p.m. on Tuesday, September 8, 1992, 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.

**ROLL CALL**

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

*29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Short introduced Darren Mosley, Youth City Mayor and a junior at Arsenal Technical High School.

Councillor O'Dell introduced State Representative Jack Cottey.

The President informed the Council of the death of Joseph Gorham who was a City-County Councillor from 1968-1977.

**OFFICIAL COMMUNICATIONS**

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Tuesday, September 8, 1992, 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 25, 1992

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 27, 1992, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 398, 400 and 403, 1992, to be held on Tuesday, September 8, 1992, at 7:00 p.m., in the City-County Building.

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

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, Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 53, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Planning Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 54, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Thirty Thousand Six Hundred Ninety-Four Dollars (\$130,694) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Planning Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 55, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Thirty Thousand Dollars (\$130,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

SPECIAL RESOLUTION NO. 56, 1992, concerning Dr. John M. Vaughn.

SPECIAL RESOLUTION NO. 57, 1992, recognizing the 20th Indianapolis-Scarborough Peace Games.

SPECIAL RESOLUTION NO. 58, 1992, approving an Inducement Resolution for National Benevolent Association, Robin Run Village Phase III, in an amount not to exceed \$2,200,000 for an addition to the existing facilities located at 5354 West 62nd Street.

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SPECIAL RESOLUTION NO. 59, 1992, approving the sale of certain real estate of the Department of Public Works.

SPECIAL ORDINANCE NO. 9, 1992, authorizing the amendment of previously executed bond documents relating to the previously issued \$1,400,000 City of Indianapolis, Indiana Pollution Control Revenue Bonds (General Motors Corporation Project) Series 1984.

SPECIAL ORDINANCE NO. 10, 1992, electing to fund MECA with COIT revenues.

GENERAL ORDINANCE NO. 63, 1992, amending the Code by authorizing a traffic signal at the intersection of German Church Road and 10th Street (District 12).

GENERAL RESOLUTION NO. 4, 1992, approving a Board of Public Works resolution regarding the write-off of certain sewer service accounts of \$25 or less.

Respectfully,  
s/Stephen Goldsmith  
Stephen Goldsmith

### 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 24, 1992. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 441, 1992. This proposal, sponsored by Councillor Dowden, commends Matt Goodin. Councillor Dowden read the resolution and presented a framed document to Matt Goodin, who expressed appreciation for the recognition. Also present were Matt Goodin's family; Jerry Whitaker, Lawrence Township Fire Chief; Matthew Hickey, Lawrence Township Fire Marshall; Carl Specker, Lawrence Township Trustee; and John von Arx, County Auditor. Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 441, 1992 was adopted by unanimous voice vote.

Proposal No. 441, 1992 was retitled SPECIAL RESOLUTION NO. 60, 1992 and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 60, 1992

A SPECIAL RESOLUTION commending Matt Goodin.

WHEREAS, heroes come in all shapes and sizes, and young eleven-year-old Matt Goodin is as brave as they come; and

WHEREAS, earlier this year Matt was home with his family when a kitchen fire started, and within minutes fire and thick smoke spread throughout the house; and

WHEREAS, the Lawrence Township Fire Department was called and the family began to evacuate their burning home; and

WHEREAS, Matt realized that his two-year-old brother Daniel was still in his crib inside the burning building, and without regard for his own personal safety Matt calmly and resolutely forced his way into the occupied room and carried his brother outside to safety; now, therefore:

*Journal of the City-County Council*

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

SECTION 1. The Indianapolis City-County Council recognizes and commends young Matt Goodin for his inspiring act of courage when he saved his brother's life from their burning home.

SECTION 2. This city is indeed fortunate to have citizens such as Matt Goodin.

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. 442, 1992. This proposal, sponsored by Councillor Giffin, concerns Wendell Trogdon. Councillor Giffin asked Councillors Dowden, Gilmer and Schneider to help him honor Mr. Trogdon. Councillor Giffin read the resolution and presented a framed document to Mr. Trogdon, who expressed appreciation for the recognition. Also present was Wayne Fuson, Indianapolis News Sports Editor. Councillor Giffin moved, seconded by Councillor Schneider, for adoption. Proposal No. 442, 1992 was adopted by unanimous voice vote.

Proposal No. 442, 1992 was retitled SPECIAL RESOLUTION NO. 61, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 1992

A SPECIAL RESOLUTION concerning Wendell Trogdon.

WHEREAS, Wendell Trogdon went to work for The Indianapolis News as a reporter in 1957, and after 35 years as suburban editor, news editor, and assistant managing editor, retired on July 31, 1992, as the managing editor; and

WHEREAS, during his distinguished career Mr. Trogdon won several journalism awards, authored seven books, and made many friends; and

WHEREAS, he grew up on a farm near Heltonville in southern Indiana, served in the U.S. Army, graduated from Franklin College, and worked with newspapers in Logansport and Purdue University before his lengthy career with The Indianapolis News; and

WHEREAS, Mr. Trogdon has always been an avid basketball fan, as well as a living diary of everyday life in small town Middle America writing about a time when tractors were replacing farm horses, when older boys went off to World War II, when personal schedules revolved around church activities, and during an era of complex simplicity; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the long and distinguished journalism career of Wendell Trogdon.

SECTION 2. The Council wishes the best of health and happiness to Wendell, to his wife Fabian, and to their daughters.

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. 448, 1992. This proposal, sponsored by Councillors Ruhmkorff and O'Dell, recognizes new U.S. citizen Renaud Tabard. Councillor Ruhmkorff read the resolution and presented a framed document to Mr. Tabard, who expressed appreciation for the recognition. Also present was his wife Sharon. Councillor Ruhmkorff moved, seconded

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by Councillor O'Dell, for adoption. Proposal No. 448, 1992 was adopted by unanimous voice vote.

Proposal No. 448, 1992 was retitled SPECIAL RESOLUTION NO. 62, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 62, 1992

A SPECIAL RESOLUTION recognizing new U.S. citizen Renaud Tabard.

WHEREAS, on the morning of August 25, 1992, Renaud Tabard, by free choice became a citizen of the United States of America; and

WHEREAS, Tabard is a native of France, has lived in the United States since March 24, 1989, is gainfully employed, is an active member of the International Center of Indianapolis, has translated correspondence for two mayors, and has a lovely American wife, Sharon Tabard; and

WHEREAS, he holds advanced degrees in economics and law from the University of Paris, was active in the conservative French RPR political party, and has transferred his keen interest in good government with him to the U.S. where he has already delivered election supplies, attended political fund raisers, helped take "flash" vote tallies on election night for the Republican Party, and became a registered voter ten minutes after becoming an American citizen; and

WHEREAS, Tabard watches every City-County Council Meeting on Channel 16 television, and earned a perfect score on his naturalization test; 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 welcomes Renaud Tabard as a new American citizen.

SECTION 2. Tabard serves as an inspiration to all of us for his enthusiastic interest and knowledge about current affairs and government.

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. 382, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 382, 1992 on August 27, 1992. The proposal, sponsored by Councillor West, reappoints Robert S. Daly, M.D. to the Air Pollution Control Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor West, for adoption. Proposal No. 382, 1992 was adopted by a unanimous voice vote.

Proposal No. 382, 1992 was retitled COUNCIL RESOLUTION NO. 62, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 62, 1992

A COUNCIL RESOLUTION reappointing Robert S. Daly, M.D. to the Air Pollution Control Board.

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

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

Robert S. Daly, M.D.

SECTION 2. The appointment made by this resolution is for a term ending June 4, 1996. 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. 383, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 383, 1992 on September 3, 1992. The proposal, sponsored by Councillor West, appoints David W. Hoppock to the Air Pollution Control Board. Councillor Coughenour introduced Mr. Hoppock and thanked him for accepting this board appointment. 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 West, for adoption. Proposal Nos. 383, 1992 was adopted by a unanimous voice vote.

Proposal No. 383, 1992 was retitled COUNCIL RESOLUTION NO. 63, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 1992

A COUNCIL RESOLUTION appointing David W. Hoppock to the Air Pollution Control Board.

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

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

David W. Hoppock

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. 443, 1992. This proposal, sponsored by Councillor Boyd, concerns acquisition efforts for the vacant downtown L. S. Ayres building. Councillor Boyd read the resolution and voiced his support of Mayor Goldsmith's efforts to acquire the property. He moved, seconded by Councillor Williams, for its adoption.

Councillor Borst stated his concern that this resolution might jeopardize negotiations presently in process.

Councillors West and Black voiced their support for Proposal No. 443, 1992.

Proposal No. 443, 1992 was adopted by a majority voice vote.

Proposal No. 443, 1992 was retitled COUNCIL RESOLUTION NO. 64, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 1992

A COUNCIL RESOLUTION concerning acquisition efforts for the vacant downtown L.S. Ayres building.

WHEREAS, a major Indianapolis downtown structure which was for many decades a hub of retail activity now stands vacant and is obstructing the progress of downtown revitalization, commerce, jobs, small business opportunities and tax revenues for this city; and

WHEREAS, private property rights are fundamental to Americans and to the people of any free society; and

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WHEREAS, however, condemnation of property for the public good by eminent domain with just compensation is provided for in both the U.S. and Indiana Constitutions and is defined by state statute; and

WHEREAS, eminent domain proceedings should be--and by state law are required to be--a last resort action after all reasonable efforts to purchase the affected property at a fair market price as determined by impartial appraisals; 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 encourages the Mayor in his exploration of alternative ways to acquire the vacant L.S. Ayres property as a part of the development of the Circle Centre Mall concepts in which the citizens of Indianapolis already have a substantial investment.

SECTION 2. Such an exploration of options should continue to include the possible use of eminent domain consistent with our country's time honored property rights values and the responsibilities of elected officials to provide for and protect the public welfare.

PROPOSAL NO. 444, 1992. This proposal regards Letter of Intent filed by MaxTel for issuance of a request for proposals for a cable television franchise. Councillor Rhodes reported that at the September 1, 1992 Administration and Finance Committee meeting this matter was reviewed and the Committee asked that this proposal be prepared for action at the September 8, 1992 Council meeting. Councillor Rhodes moved, seconded by Councillor Curry, for adoption. Proposal No. 444, 1992 was adopted by the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

3 NOT VOTING: *Brents, Jones, Smith*

Proposal No. 444, 1992 was retitled COUNCIL RESOLUTION NO. 65, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 1992

A COUNCIL RESOLUTION regarding Letter of Intent filed by MaxTel for issuance of a request for proposals for a cable television franchise.

WHEREAS, the City received an application from MaxTel asking the City to issue a request for proposals for a cable television franchise; and

WHEREAS, the Cable Franchise Board in response to the MaxTel application recommended the issuance of a request for proposals for additional franchises; and

WHEREAS, the Indianapolis City-County Council has considered that application, the determination findings of the Cable Franchise Board, additional information submitted by MaxTel, existing holders of cable television franchises, certain apartment buildings served by MaxTel in accordance with the provisions of the Code of Indianapolis and Marion County (herein "City Code") and a cable television consulting firm, CTIC Associates, hired by the City, now, therefore:

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

SECTION 1. The Council affirms the amended determination of the Cable Franchise Board that a request for proposals should be issued and authorizes its General Counsel to proceed to develop a request for proposals for additional franchises that may permit additional service to multiple dwelling units and unserved cable service market areas to be issued by the Cable Franchise Board.

SECTION 2. In developing a request for proposals, the following issues should be considered:

- a. How to define the franchise area so that cable operators share similar burdens for similar benefits. The Cable Franchise Board should be creative in defining the franchise area, and may if it desires, issue a request for proposals that allows applications for different franchise areas; and
- b. How to provide for competition, if possible, while assuring that service does not deteriorate, or that some areas of the community are left with inadequate or inferior service.
- c. Assuming that the existing franchises which will expire in a little more than three years will be renewed, those franchises will likely reflect the changing needs of the community, in light of changes in cable technology. The Cable Franchise Board should consider what requirements should be included in this request for proposals in light of the fact that existing franchise requirements may well change in the near future, including but not limited to the possibility of issuing a request for proposals for short-term franchises.

SECTION 3. The adopting of this resolution shall not be construed to make any determination of whether a franchise should or should not be issued to MaxTel or any other applicant.

Councillor Gilmer asked for consent to make an announcement. Consent was given. He informed the Council that there are hundreds of World War II submarine sailors in the City this week for their annual reunion and asked everyone to give them a warm welcome.

Councillor Beadling announced that the Indianapolis Fire Department graduated its own first HazMatTech (hazardous materials technician) class this week.

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 421, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Comprehensive Zoning Maps of Marion County, Indiana"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 436, 1992. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving a lease of 30,000 sq. feet of warehouse and workshop space for voting machines"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 437, 1992. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving a schedule of rates for Marion County Healthcare Center"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 438, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE reappropriating \$411,343 in the County Grants Fund for the County Sheriff and repealing Fiscal Ordinance Nos. 3 and 18, 1992"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 439, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing the County Auditor to transfer its portion of 1991 State grant funds from the Guardian Ad Litem Fund to the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 440, 1992. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by



authorizing intersection controls at Winthrop Avenue and 29th Street (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 445, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to establish fees to be charged for persons accessing the mainframe computer through the "Enhanced Access" Pilot Program"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 446, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Robert Stewart to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 447, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Stanley Strader to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 449, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Irene Heffley to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 450, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Andrew Shiel to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

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

PROPOSAL NO. 434, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 434, 1992 on September 2, 1992. This proposal authorizes the issuance of City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1992 (Morningside of College Park Project) in an aggregate principal amount not to exceed \$6,805,000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Franklin, for adoption. Proposal No. 434, 1992 was adopted on the following roll call vote; viz:

*21 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, McClamroch, Mullin, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith*

*0 NAYS:*

*8 NOT VOTING: Boyd, Hinkle, Jones, Moriarty, Rhodes, Ruhmkorff, West, Williams*

Proposal No. 434, 1992 was retitled SPECIAL ORDINANCE NO. 11, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 1992

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1992 (Morningside of College Park Project), in the aggregate principal amount not to exceed Six Million Eight Hundred Five Thousand Dollars (\$6,805,000), and approving and authorizing other actions in respect thereto.

WHEREAS, the Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5, as supplemented and amended (collectively, the "Act"), authorize and empower the City of Indianapolis, Indiana (the "Issuer") to issue bonds for the purposes of refunding bonds which were issued for the purpose of financing the acquisition and construction of economic development facilities, for diversification of economic development and promotion of job opportunities in or near such Issuer and vests such Issuer with powers that may be necessary to enable it to accomplish such purposes; 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 Issuer intends to issue its Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1992 (Morningside of College Park Project) (the "Project Bonds") in the maximum aggregate principal amount of \$6,805,000 pursuant to the Trust Indenture, dated as of September 1, 1992 (the "Indenture"), between the Issuer and Peoples Bank & Trust Company, Indianapolis, Indiana, as Trustee (the "Trustee"), and intends to lend the proceeds of the Project Bonds pursuant to the provisions of a Loan Agreement, dated as of September 1, 1992 (the "Loan Agreement"), between the Issuer and Morningside of College Park, an Indiana limited partnership (the "Borrower") to the Borrower (the "Loan") for the purpose of currently refunding the outstanding principal amount of the Issuer's Adjustable Rate Demand Economic Development Refunding Revenue Bonds, Series 1989 (Morningside of College Park Project), issued on October 31, 1989 (the "Prior Bonds"), which were issued for the purpose of currently refunding certain bonds issued to finance the costs of acquiring, constructing, installing and equipping certain economic development project facilities described as a 128 unit elderly rental housing complex located at 8810 Colby Boulevard, Indianapolis, Indiana containing approximately 154,582 square feet and located on approximately 6 acres of land, along with the furniture and fixtures contained therein and site improvements on the land (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Borrower of the loan of the proceeds of the Project Bonds and further provides (a) for the Borrower's repayment obligation to be evidenced by the Borrower's promissory note (the "Project Note"), and (b) a Letter of Credit (as defined in the Indenture) to be issued under the Credit Agreement (as defined in the Loan Agreement) to further secure the Project Bonds;

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

WHEREAS, Bank One, Indianapolis, NA (the "Bank"), will issue a Letter of Credit (as defined in the Indenture) in favor of the Trustee, for the account of the Borrower, 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 Project Bonds; and

WHEREAS, the Indianapolis Economic Development Commission, on September 2, 1992 has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Escrow Agreement, dated as of September 1, 1992 (the "Escrow Agreement"), among the Issuer, the Borrower, the Bank and Peoples Bank & Trust Company as Escrow Trustee; 4) Tax Regulatory Agreement dated as of September 1, 1992 (the "Tax Regulatory Agreement"), between the Borrower and the Trustee; 5) Land Use Restriction Agreement dated as of September 1, 1992 (the "Land Use Restriction Agreement"), among the Issuer, the Borrower and the Trustee; 6) Bond Placement Agreement (the "Bond Placement Agreement") among the Issuer, the Borrower and the Bank One, Columbus, N.A., as Placement Agent (the "Placement Agent"); and 7) Preliminary Offering Memorandum (the "Preliminary Offering Memorandum") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted on September 2, 1992, 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:

September 8, 1992

SECTION 1. It is hereby found that the refunding financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Project Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of refunding financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said Loan by the Borrower 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 Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the clerk of the Council for public inspection.

SECTION 3. 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 Project Bonds in the maximum aggregate principal amount of Six Million Eight Hundred Five Thousand Dollars (\$6,805,000) for the purpose of procuring funds to loan to the Borrower in order to provide refunding financing or provide reimbursement for a portion of the cost of the Project which Project Bonds will be payable as to principal and interest solely from the payments made by the Borrower on its Project Note in the principal amount equal to the principal amount of the Project Bonds which will be executed and delivered by the Borrower to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Project 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 Project 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 as set forth in the Financing Documents which stated per annum rate of interest shall not exceed twelve percent (12%). In addition to the use of the Preliminary Offering Memorandum by the Placement Agent, the use of an 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 Offering Memorandum by the SEC Rule, is approved for use and distribution in connection with the marketing of the Project 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 Project Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Project Bonds to the Placement Agent, payment for which will be made in the manner set forth in the Financing Documents. The Project 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 provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Project Bonds and after the issuance of said Project 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 Project Bonds or the interest thereon remains unpaid.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 435, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 435, 1992 on September 2, 1992. The proposal authorizes the issuance of City of Indianapolis, Indiana Economic Development Refunding and Improvement Revenue Bonds (National Benevolent Association - Robin Run Village Project) Series 1992 in an aggregate principal amount not to exceed \$28,000,000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that

it do pass. Councillor Giffin moved for its adoption. Councillor Gilmer seconded the motion and stated that, in his opinion, Robin Run Village is one of the best run retirement homes he knows. Proposal No. 435, 1992 was adopted on the following roll call vote; viz:

*27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams*

*NAYS:*

*2 NOT VOTING: Moriarty, Short*

Proposal No. 435, 1992 was retitled SPECIAL ORDINANCE NO. 12, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 12, 1992

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Economic Development Refunding and Improvement Revenue Bonds (National Benevolent Association - Robin Run Village Project) Series 1992 (the "Series 1992 Bonds"), in the aggregate principal amount not to exceed Twenty-Eight Million Dollars (\$28,000,000), and approving and authorizing other actions in respect thereto.

WHEREAS, the Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5, as supplemented and amended (collectively, the "Act"), authorize and empower the City of Indianapolis, Indiana (the "Issuer") to issue revenue bonds and to loan the proceeds of such bonds (a) to pay all or part of the cost of acquisition, construction, installation and equipping of economic development facilities authorized under the Act and (b) to refund outstanding revenue bonds issued under the Act which were issued for the purpose of financing the acquisition and construction of economic development facilities, for diversification of economic development and promotion of job opportunities in or near such Issuer and vests such Issuer with powers that may be necessary to enable it to accomplish such purposes; 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 Issuer has heretofore issued its Economic Development Revenue Bonds, Series 1990 (National Benevolent Association--Robin Run Village Project), outstanding in the principal amount of \$11,000,000 (the "Series 1990 Bonds"), the proceeds of which were loaned to The National Benevolent Association of the Christian Church (Disciples of Christ), a Missouri not for profit corporation (the "Borrower"), to (a) acquire certain real estate (the "Land") and (b) acquire, construct, install and equip thereon a retirement facility (the Land and said retirement facility financed with the Series 1990 Bonds being collectively referred to herein as the "Existing Facilities"); and

WHEREAS, the Borrower proposes that the Issuer make a loan (the "Loan") to the Borrower to (a) finance the acquisition, construction, repair, renovation, remodeling and improvement of the additional facilities described in the Loan Agreement between the Issuer and the Borrower (the "Loan Agreement") on the Land (the "Project") (the Project and the Existing Facilities being collectively referred to herein as the "Facilities") which Facilities generally will when completed consist of a facility containing approximately 158 apartments to be rented to persons over age 55, related dining, recreational and administrative facilities, an intergenerational day care facility and approximately 84 nursing care beds plus various site improvements and equipment located at 5354 West 62nd Street, Indianapolis, Indiana, (b) refund the Series 1990 Bonds, (c) fund a debt service reserve fund for the hereinafter referred to Series 1992 Bonds, (d) provide capitalized interest on the portion of the hereinafter referred to Series 1992 Bonds attributable to the construction of the Project, and (e) pay certain costs of issuance of the Series 1992 Bonds; and

September 8, 1992

WHEREAS, the Borrower has entered into an agreement with Greater Indianapolis Disciples Housing, Inc., an Indiana not for profit corporation ("GIDHI"), whereby GIDHI does and will use and operate the Existing Facilities and the Project for and on behalf of the Borrower; and

WHEREAS, the Issuer intends to issue its City of Indianapolis, Indiana Economic Development Refunding and Improvement Revenue Bonds (National Benevolent Association - Robin Run Village Project) Series 1992, (the "Series 1992 Bonds") in the maximum aggregate principal amount of \$28,000,000 pursuant to an Indenture of Trust (the "Indenture"), between the Issuer and Merchants National Bank & Trust Company of Indianapolis, Indianapolis, Indiana, as Trustee (the "Trustee"), and intends to lend the proceeds of the Series 1992 Bonds pursuant to the provisions of the Loan Agreement (the "Loan Agreement"), between the Issuer and the Borrower to the Borrower for the purposes of the Loan heretofore set out; and

WHEREAS, the Loan Agreement provides for the repayment by the Borrower of the loan of the proceeds of the Series 1992 Bonds; and

WHEREAS, to induce the Issuer to issue the Series 1992 Bonds and to loan the proceeds thereof to the Borrower to provide financing for the Project and refunding the Series 1990 Bonds, the Borrower will issue its Master Indenture Note, Series A-1 (A) in a principal amount equal to the principal amount of the Series 1992 Bonds (the "Master Indenture Note") to be issued under the Master Trust Indenture dated as of February 1, 1990, as supplemented by supplemental indentures including without limitation the First Amended and Restated Series A-1 Supplemental Master Trust Indenture (collectively the "Master Indenture"), among the Borrower, Members of the Obligated Group (as defined in the Master Indenture), and Mark Twain Bank as Master Trustee, as security for, and to further provide for the payment of the principal of and premium, if any, and interest on the Series 1992 Bonds; and

WHEREAS, the Indianapolis Economic Development Commission, on September 2, 1992 has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Escrow Trust Agreement (the "Escrow Trust Agreement") among the Issuer, the Borrower and Merchants National Bank & Trust Company of Indianapolis, as Escrow Agent (the "Escrow Agent"); 4) Series A-1 Supplemental Master Trust Indenture (the "Series A-1 Supplemental Master Trust Indenture") among the Borrower, certain other persons referred to in the Series A-1 Supplemental Master Trust Indenture as "members" and Mark Twain Bank as Trustee under the Master Indenture; 5) Bond Purchase Agreement (the "Bond Purchase Agreement") among the Issuer, Borrower and A.G. Edwards & Sons, Inc., as Underwriter (the "Underwriter"); and 6) Preliminary Official Statement ("the Preliminary Official Statement") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted on September 2, 1992, 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 Facilities, the issuance and sale of the Series 1992 Bonds, the loan of the net proceeds thereof to the Borrower for the purposes as set forth in Section 4 hereof, and the repayment of said Loan by the Borrower 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 Clerk of the council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the clerk of the Council for public inspection.

SECTION 3. 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 Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 4. The Issuer shall issue its Series 1992 Bonds in the maximum aggregate principal amount of Twenty-Eight Million Dollars (\$28,000,000) for the purpose of procuring funds to loan to the Borrower in order (a) to finance the acquisition, construction, repair, renovation, remodeling and improvement of the Project, (b) to refund the Series 1990 Bonds, (c) to fund a debt service reserve fund for the Series 1992 Bonds, (d) provide capitalized interest on the portion of the Series 1992 Bonds attributable to the construction of the Project, and

(e) to pay certain costs of issuance of the Series 1992 Bonds which Series 1992 Bonds will be payable as to principal and interest solely from the payments made by the Borrower under the Loan Agreement and on its Master Indenture Note in the principal amount equal to the principal amount of the Series 1992 Bonds which will be executed and delivered by the Borrower to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1992 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 1992 Bonds to the Underwriter thereof at a price not less than 98% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest as set forth in the Financing Documents which stated per annum rate of interest shall not exceed seven and one-half percent (7½%). The Underwriter shall be compensated by the payment of a fee to be determined by the Borrower, all or a portion of which may be included in costs of issuance of the Series 1992 Bonds. In addition to the use of the Preliminary Official Statement by the Underwriter, the use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein, but containing the information permitted to be omitted from the nearly final Official Statement by the SEC Rule and any additional and updated information as is appropriate, is approved for use and distribution in connection with the marketing of the Series 1992 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 1992 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1992 Bonds to the Underwriter, payment for which will be made in the manner set forth in the Financing Documents. The Series 1992 Bonds shall be dated as set forth in the Indenture 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 provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Series 1992 Bonds and after the issuance of said Series 1992 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 1992 Bonds or the interest thereon remains unpaid.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 451-458, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on September 3, 1992". Councillor Gilmer moved that Proposal No. 451, 1992 be scheduled for a public hearing:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 451, 1992 (Rezoning Petition No. 92-Z-49) be scheduled for a hearing before this Council at its next regular meeting on September 21, 1992 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

/s/ Gordon Gilmer

By Consent the motion was adopted. Proposal No. 451, 1992 is identified as follows:

92-Z-49 PIKE TOWNSHIP COUNCILMANIC DISTRICT #1.  
8415 WEST 96TH STREET (approximate address), INDIANAPOLIS.  
THOMAS A. DEAL requests the rezoning of 31.00 acres, being in the D-A District, to the D-1 classification to provide for residential development.

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The Council did not schedule Proposal Nos. 452-458, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 452-458, 1992 were retitled REZONING ORDINANCE NOS. 92-98, 1992 and are identified as follows:

REZONING ORDINANCE NO. 92, 1992. 92-Z-58 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT #17.  
4903 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.  
DAVID and ROGER HARVEY request the rezoning of 7.178 acres, being in the C-5 District, to the C-S classification to provide for self-storage warehouses.

REZONING ORDINANCE NO. 93, 1992. 92-Z-69 LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT #5.  
10201 EAST 63RD STREET (approximate address), INDIANAPOLIS.  
SCM REAL ESTATE DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests the rezoning of 34.153 acres, being in the D-6II District, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 94, 1992. 92-Z-74 PIKE TOWNSHIP,  
COUNCILMANIC DISTRICT #1.  
4935 NORTH HIGH SCHOOL ROAD (approximate address), INDIANAPOLIS.  
LIBERTY BAPTIST CHURCH OF INDIANAPOLIS, INDIANA, INC. requests the rezoning of 5.0 acres, being in the D-A District, to the SU-1 classification to provide for a church.

REZONING ORDINANCE NO. 95, 1992. 92-Z-80 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT #22.  
1555 NORTH MISSOURI STREET (approximate address), INDIANAPOLIS.  
METHODIST HOSPITAL OF INDIANA, INC. requests the rezoning of 4.35 acres, being in the I-3-U and SU-9 Districts, to the HD-1 classification to provide for a surface parking lot.

REZONING ORDINANCE NO. 96, 1992. 92-Z-83 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT #13.  
1431 SOUTH HUNTER ROAD (approximate address), INDIANAPOLIS.  
CLARENCE and MARDELLA ELMORE request the rezoning of 3.0 acres, being in the D-A District, to the D-1 classification to provide for residential development.

REZONING ORDINANCE NO. 97, 1992. 92-Z-84 DECATUR TOWNSHIP.  
COUNCILMANIC DISTRICT #19.  
7902 MOORESVILLE ROAD (approximate address), INDIANAPOLIS.  
DEAVERS AND ASSOCIATES, INC., by Joseph Scimia, requests the rezoning of 80.0 acres, being in the D-A District, to the D-2 classification to provide for residential development.

REZONING ORDINANCE NO. 98, 1992. 92-Z-89 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT #1.  
3407 WEST 71ST STREET (approximate address), INDIANAPOLIS.  
L.D.G. INC. and STARK DEVELOPMENT CORPORATION, d/b/a CROOKED CREEK JOINT VENTURE, by Raymond Good, requests the rezoning of 4.331 acres, being in the D-A District, to the D-3 classification to provide for residential development.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 360, 1992. This proposal appropriates \$64,675 for the County Recorder to cover monthly payments for document imaging computer equipment. Councillor Borst asked for consent to postpone Proposal No. 360, 1992 until September 21, 1992. Consent was given.

PROPOSAL NO. 398, 1992. This proposal appropriates \$21,750 for the Department of Parks and Recreation, Administration Division, to cover the costs of a Midnight Basketball Program. Councillor O'Dell asked for consent to postpone Proposal No. 398, 1992 until September 21, 1992. Consent was given.

PROPOSAL NO. 400, 1992. This proposal appropriates \$25,600 for the Domestic Relations Counseling Bureau to fund personnel expenses for the Visiting Nurse Service through a

state grant. Councillor Dowden asked for consent to postpone Proposal No. 400, 1992 until October 12, 1992. Consent was given.

### **MAYOR STEPHEN GOLDSMITH**

President SerVaas asked for consent to permit Stephen Goldsmith, Mayor, City of Indianapolis, to present an update on his Capital Improvement Plan at this time. Consent was given.

Mayor Goldsmith had the following remarks:

Woodrow Wilson once said, "No man that does not see visions will ever realize any high hope or undertake any high enterprise."

Tonight I want to talk with you about our shared vision of Indianapolis' future, and I want to invite you and all residents of Indianapolis to undertake with me a high enterprise to make that vision a reality.

One hundred years ago, visionary Hoosiers made investments that laid the foundation for Indianapolis to grow and become one of the premier cities in America. Taxpayers funded, and workers constructed, sewers, bridges, streets, parks, and public buildings.

Today, thanks to their foresight, Indianapolis is a thriving, successful city and the residence or work place of more than a million Hoosiers. Unfortunately, one of the costs of our success is a crushing demand on the physical structures that support our high quality of life.

Although additional improvements have been made over the years, too many areas of our city are deteriorating, and too many of our precious resources have been devoted to new construction at the expense of our existing infrastructure.

It is time for a new vision: one that invests in the future, and that recognizes that the needs of our children and the competitive survival of our city demand that we consume less of our budget operating for today and more preparing for tomorrow.

Along with its primary role of providing basic services such as roads, sewers, and public safety, city government should also serve as a forceful advocate for job creation and economic development. Collapsing sewers, deteriorating parks, and decaying curbs all erode our quality of life. The longer we go without addressing these accumulating needs, the more costly the corrections and the more expensive the neglect.

So, tonight I am asking for your help in the most ambitious plan in history to rejuvenate the city of Indianapolis and rebuild our city's infrastructure -- it's a plan I call "Building Better Neighborhoods." Over the next three years, we will restore pride in our neighborhoods by rebuilding deteriorating curbs and sidewalks. We will stimulate economic development and make our city a safer place to live by repairing our worn-down streets and bridges. We will make our city a healthier place to live by repairing our sewer system. And we will make our city a more attractive place to live by revitalizing our parks.

And we will do all of this without raising taxes.

#### THE NEED FOR A CAPITAL IMPROVEMENT PLAN

In the spring of 1991, the Indianapolis Chamber of Commerce finished work on an in-depth study of the city's pressing infrastructure needs. The report, entitled Getting Indianapolis Fit for Tomorrow (GIFT), noted that "Indianapolis...is faced with some real infrastructure problems, but fortunately, we are not yet in a crisis situation. The solution lies in taking a proactive stand and dealing with these challenges now before they become crises." The GIFT report identified \$1.1 billion in infrastructure needs over the next decade.

If the GIFT report were not enough to call attention to the shaky status of Indianapolis' infrastructure, this morning's events provided some dramatic evidence. Indianapolis residents who work downtown were greeted at 6:00 am with a rather large hole at the intersection of Capitol Street and Fall Creek Parkway, the result of a collapsed city sewer. It was the third such sewer collapse in the last two weeks.



One of the collapsed sewers -- this is not a typographical error -- was built in 1890. That's how old some of the infrastructure that lays below the streets of our city really is. Age takes its toll on all things, and roads and sewers are no exceptions. For further proof, look at urban infrastructure in older east coast cities such as New York, Boston, or Philadelphia. The urban cores of these cities have deteriorated so far that they in fact constitute crises. Our infrastructure is surely in better shape today than any of these cities, but they provide a glimpse of our future if we do not act decisively now.

On February 26, I began the capital improvement planning process by asking city department heads to evaluate potential capital improvement projects based on several criteria:

- Safety
- Maintenance
- Economic Development
- Dollar per Citizen Affected
- Level of Community Support and Financial Assistance

Building Better Neighborhoods is the result of that process.

WHAT BUILDING BETTER NEIGHBORHOODS IS:

Building Better Neighborhoods represents a significant departure in many respects from the city's past practices of capital improvements.

First, Building Better Neighborhoods is a strong commitment to our existing neighborhoods. It focuses our limited resources on the vital -- though perhaps less glamorous -- task of rebuilding neglected and deteriorating areas of our city -- not on new construction.

Second, Building Better Neighborhoods is a new way of doing business managing our infrastructure. It treats our roads, bridges, sewers and parks as assets, and plans for their sensible management.

Third, Building Better Neighborhoods is fully funded, which means that every project can be completed in three years. No projects will be started for which funding has not been identified. This will save money and allow for a better allocation of city resources and expertise.

Fourth, Building Better Neighborhoods is an inclusive, broad-based process that works with neighborhoods and the community as a whole to make decisions about how government can best meet their needs. Constant input was sought from neighborhood groups, the business community, and the City-County Council during the CIP process. The Department of Metropolitan Development held a series of 10 public meetings to solicit public input. Surveys were taken of what types of improvements citizens wanted to see for their neighborhoods.

The result is that Building Better Neighborhoods represents a carefully conceived plan of action to attain a shared vision for our future. It is not, as happened too often in the past, an ad hoc series of unrelated improvements. Before any project was included in the plan, several questions had to be answered. Did the project further the overall strategic plan? Did it improve public safety? Did the project enhance economic development opportunities? How much community support existed for the project? How many citizens benefitted from each dollar spent on the project?

WHAT BUILDING BETTER NEIGHBORHOODS DOES:

Building Better Neighborhoods will devote \$519 million over the next three years for 477 separate improvements. Two general types of projects will be funded: neighborhood projects which improve the quality of life and property values of Indianapolis communities, and city-wide projects that benefit citizens throughout Indianapolis. Spending will be broken down in the following way:

Building Better Neighborhoods Spending (thousands of dollars)

<u>City Agency</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>Total Spending</u>
DMD	33,029	26,050	4,207	63,286
DOT	57,993	69,510	61,050	188,553
DPR	16,750	18,750	16,750	52,250
DPW	55,475	84,745	61,000	201,220
DPS	<u>8,000</u>	<u>6,000</u>	<u>630</u>	<u>14,630</u>
Total	171,247	205,055	143,637	519,939

*Journal of the City-County Council*

Building Better Neighborhoods will allow the City of Indianapolis to:

- o Repair or replace 60 bridges
- o Repair and rehabilitate 64 miles of sidewalks and curbs
- o Improve more than 115 traffic signals
- o Build 8 satellite police stations
- o Build or renovate 10 fire stations
- o Fund 28 Advanced Wastewater Treatment projects
- o Fund 34 flood and drainage projects
- o Fund 29 Barrett Law projects
- o Undertake 99 improvement projects in 50 city parks: fixing or replacing playground equipment, picnic areas, parking lots, tennis, recreation centers, swimming pools, softball diamonds, golf courses, trails, and much more
- o Undertake \$17 million in public housing improvement projects
- o Fund \$12 million in neighborhood and housing improvement projects

Every resident of Indianapolis will benefit from these improvements. Progress will be quick, and it will be visible.

Particular attention will be paid to those neighborhoods in Indianapolis that have been left behind by the city's growth -- older neighborhoods where the deterioration of curbs, sidewalks, parks, and sewers has been particularly acute. Building Better Neighborhoods contains a special focus on rejuvenating these neighborhoods with concentrated investments before their decline becomes irreversible. Helping these neighborhoods rebuild will help revive community pride in a way that paving a single road or repairing a single sewer cannot.

HOW BUILDING BETTER NEIGHBORHOODS IS FUNDED:

Building Better Neighborhoods is not a wish list of projects. A variety of funding sources was used to guarantee that every one of the plan's 477 projects would be fully funded and able to be completed in three years.

\$180 million over the next three years comes from the city's regular expenditures on capital improvements, refocused to be part of the strategic plan. Regular funds come from state and local sources such as general funds, wheel taxes, city and county cumulative taxes, tax increment financing (TIF), and redevelopment funds. Federal sources include FHA, HUD, UMTA, and the Army Corps of Engineers.

\$150 million over the next three years comes from the issuing of general obligation bonds. Three-quarters of the City of Indianapolis' present general obligation-backed debt comes due in the next ten years. \$150 million is a very conservative estimate of the amount the city can raise by issuing general obligation bonds with maturities of 20 years using existing revenue sources.

\$137 million comes from revenue bonds financed against cash flows from various department revenue sources. The Department of Transportation will use the wheel tax, and the Department of Parks and Recreation will use golf revenues. The Department of Public Works is formulating a revenue plan.

\$52 million for the CIP comes from other sources such as tax increment financing, private investors, and Barrett Law.

Building Better Neighborhood Funding (thousands of dollars)

<u>Revenue Source</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>Total</u>
Regular	60,797	66,050	53,807	180,654
GO Bonds	72,025	54,345	23,630	150,000
Revenue Bonds	15,000	67,000	55,000	137,000
Other	<u>23,425</u>	<u>17,660</u>	<u>11,200</u>	<u>52,285</u>
Total	171,247	205,055	143,637	519,930

THE HIGH ENTERPRISE:

In the coming months, we will be informing people about the capital improvement plan and seeking their signatures of support for the critical bond issues that will make Building Better Neighborhoods possible. You will see volunteers on the streets, in the malls, at the Colts games -- everywhere that the people of Indianapolis gather to work, play, and live. We need your help to recruit these volunteers.

September 8, 1992

The improvements made possible by Building Better Neighborhoods will benefit all residents in all neighborhoods of Indianapolis. They will pave the way for a city that is healthier, more attractive, and better able to attract top-quality jobs and investment.

The President asked for the Councillors' questions or comments at this time.

Councillor Howard stated that the City needs to develop a job training program, with the assistance of the city's labor unions, to accompany the capital improvement plan.

Councillor Borst applauded the Mayor's Capital Improvement Plan and said it will be great for the City.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 403, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 403, 1992 on August 27, 1992. The proposal appropriates \$17,900 for the Department of Public Works, Air Pollution Control Division, to cover the replacement costs of one ozone monitor and one carbon monoxide monitor funded by a state grant. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:46 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 403, 1992 was adopted on the following roll call vote; viz:

*22 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, SerVaas, Short, Smith, West, Williams*

*2 NAYS: Schneider, Shambaugh*

*5 NOT VOTING: Black, Dowden, Giffin, Hinkle, Rhodes*

Proposal No. 403, 1992 was retitled FISCAL ORDINANCE NO. 56, 1992 and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 56, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Seventeen Thousand Nine Hundred Dollars (\$17,900) 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 1992, 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 a federal grant from the (IDEM) Indiana Department of Environmental Management to replace one ozone monitor and one carbon monoxide monitor.

SECTION 2. The sum of Seventeen Thousand Nine Hundred Dollars (\$17,900) 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 PUBLIC WORKS  
AIR POLLUTION CONTROL DIVISION

CONSOLIDATED COUNTY FUND

4. Capital Outlay	<u>\$17,900</u>
TOTAL INCREASE	\$17,900

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

Unappropriated and Unencumbered Consolidated County Fund	<u>\$17,900</u>
TOTAL REDUCTION	\$17,900

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. 358, 1992. Councillor Curry stated that Councillor Rhodes asked him to give the Committee report since he voted with the minority on this proposal. Councillor Curry reported that the Administration and Finance Committee heard Proposal No. 358, 1992 on September 1, 1992. The proposal, sponsored by Councillor Dowden, authorizes the lease of space for the Sheriff's Department located at 3229 North Shadeland. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Dowden, for adoption.

Councillor West said that the proposal states that the property is owned by Melvin Simon personally, and apparently that property is owned by Shadeland Avenue Developers, one of his corporations. Major Randy Hamilton, Section Commander, said that the registered property owner is Shadeland Avenue Developers, which is owned by Melvin Simon.

Councillor Black said that he voted against this in Committee because he believes in ten years the City could own the building for what it will cost to lease it.

Proposal No. 358, 1992 was adopted on the following roll call vote; viz:

*21 YEAS: Beadling, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith*

*6 NAYS: Black, Borst, Boyd, Moriarty, West, Williams*

*2 NOT VOTING: Giffin, Rhodes*

Proposal No. 358, 1992 was retitled SPECIAL RESOLUTION NO. 63, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 1992

A SPECIAL RESOLUTION determining that the lease of space is needed for a training academy, print shop and other departmental related offices for the Marion County Sheriff's Department located at 3229 North Shadeland, Indianapolis, Indiana 46220.

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

SECTION 1. The Marion County Sheriff's Department desires Marion County to lease space for a training academy, print shop and other departmental related offices located at 3229 North Shadeland, Indianapolis, Indiana 46220.

SECTION 2. The property is owned by Melvin Simon.

September 8, 1992

SECTION 3. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the need for space and hereby determines that the lease of space for the use of the Marion County Sheriff's Department is necessary.

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

PROPOSAL NO. 391, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 391, 1992 on September 1, 1992. The proposal amends the Code by authorizing the Auditor to contract for assistance in collecting money owed to the County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Curry, for adoption. Proposal No. 391, 1992 was adopted on the following roll call vote; viz:

25 YEAS: *Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Howard, Jimison, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

4 NOT VOTING: *Beadling, Giffin, Jones, O'Dell*

Proposal No. 391, 1992 was retitled GENERAL ORDINANCE NO. 65, 1992 and reads as follows:

CITY-COUNTY COUNCIL GENERAL ORDINANCE NO. 65, 1992

A GENERAL ORDINANCE supplementing the general provisions in Chapter 2 of the Code authorizing the Marion County Auditor to contract for assistance in collecting money owed to the County.

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

SECTION 1. The "Code of the Indianapolis and Marion County" be, and is hereby amended to add NEW Section 2-255 to Chapter 2 as follows:

Sec. 2-255. Collection of money owed the County.

The Marion County Auditor may contract for assistance in the collection of money owed to the County, its offices, departments, special districts or other agencies and to add the costs of collection, if the amount owed exceeds twenty-five dollars (\$25.00) and became delinquent after July, 1986, to the amount owed and collected.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining 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 and 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.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President announced that Phillip M. Summers, President, Vincennes University, has invited all Council members for a campus tour. Councillors should make arrangements with Ms. Rippy.

Councillor Black said that last year \$185,000 was spent on police lawsuits. He asked for a breakdown of how this money was distributed.

Mr. Elrod read the following announcement:

This Council will hold a public hearing on Rezoning Petition No. 92-Z-49, Council Proposal No. 451, 1992, at its next regular meeting on Monday, September 21, 1992, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 31.00 acres at 8415 West 96th Street from D-A to D-1 to provide for residential development.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:00 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 8th day of September, 1992.

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

*Burt Serwaas*

President

ATTEST:

*Ben J. Kegan*  
Clerk of the Council

(SEAL)