

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 22, 1993**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:14 p.m. on Monday, November 22, 1993, with Councillor SerVaas presiding.

Councillor Short 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:

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

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

OFFICIAL COMMUNICATIONS

Honorable Stephen Goldsmith, Mayor, and James Morris, President, Indianapolis Water Co., briefed the Council on the benefits of a sale of the City's two wastewater treatment plants. An agreement has been made in principle with the White River Environmental Partnership to take over management of the treatment plants.

Michael Rhynes, President of AFSCME Local 725, stated that the union is conducting a petition drive to stop the sale of the two wastewater treatment plants.

Councillor Boyd asked if the Public Works Board will have a public hearing on this matter and what the next step is concerning this process. Mayor Goldsmith replied that there is no

legislative vote necessary to finalize this agreement, but he is trying to include the Council each step, work through all the problems with the Councillors and brief the Public Works Committee.

The President said that the Public Works Board and the Public Works Committee will monitor this process very carefully.

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 22, 1993, 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

November 9, 1993

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, November 11, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 620, 623, 643 and 626, 1993, concerning sewer user charge for January and February 1994, said hearing to be held on Monday, November 22, 1993, 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. 96, 1993 - transferring and appropriating \$2,500 for the Franklin Township Assessor to purchase new plat books

GENERAL ORDINANCE NO. 156, 1993 - amending Secs. 8-1/2-2 and 8-1/2-61 of the Code pertaining to definitions and subscribers' rates and charges for cable television services

SPECIAL RESOLUTION NO. 73, 1993 - recognizing the Ben Davis "Marching Giants" Band

SPECIAL RESOLUTION NO. 74, 1993 - recognizing Henry Leuman and Bob Meyers

SPECIAL RESOLUTION NO. 75, 1993 - recognizing the latest cost-saving project by Indianapolis' Advanced Wastewater Treatment staff

November 22, 1993

SPECIAL RESOLUTION NO. 76, 1993 - recognizing the 75th anniversary of World War I

SPECIAL RESOLUTION NO. 77, 1993 - authorizing the amendment of Special Resolution No. 59, 1993 adopted on September 13, 1993 as an inducement resolution for Sure Start, Inc. to acquire and renovate the existing Mallory facility located at 4760 Kentucky Avenue

SPECIAL RESOLUTION NO. 78, 1993 - an inducement resolution for Forest City Residential Development, Inc. ("Forest City") in an amount not to exceed \$11,100,000 for the acquisition, construction, renovation, installation and equipping of the existing 520 units multi-family residential rental project known as Knob in the Woods Apartments located at 2130 Waterford Place

SPECIAL RESOLUTION NO. 79, 1993 - an inducement resolution for Quinn I, Limited Partnership ("Quinn") in an amount not to exceed \$4,000,000 for the acquisition, construction, renovation, installation and equipping of the existing 330 unit multi-family residential rental project known as The Meadows Apartments located at 4006 Meadows Drive

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 November 8, 1993. There being no additions or corrections, the minutes were approved as distributed.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Coughenour introduced George Pendency, an attorney who advised the Councillors concerning the privatization of the management of the wastewater treatment plant.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 656, 1993. This proposal, sponsored by Councillors Shambaugh and Williams, commends Caress Garten. Councillor Shambaugh read the resolution and presented a copy of the document to Ms. Garten, who expressed appreciation for the recognition. Members of Ms. Garten's family was also present. Councillor Shambaugh moved, seconded by Councillor Williams, for adoption. Proposal No. 656, 1993 was adopted by unanimous voice vote.

Proposal No. 656, 1993 was retitled SPECIAL RESOLUTION NO. 80, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 1993

A SPECIAL RESOLUTION commending Caress Garten.

WHEREAS, on a cool November day one year ago Indianapolis resident Caress Garten took her daily three-mile walk on the bicycle path along Fall Creek Parkway; and

WHEREAS, a short distance away two black pit bull dogs broke away from their owners and viciously attacked Ms. Garten; and

WHEREAS, after spending time in the Methodist Hospital emergency room, surgeries, and months of recovery, the former Indianapolis Junior League President felt she had been asked or called to do something about the light penalties on dangerous dog owners; and

WHEREAS, while recovering from her wounds she pondered the certain death of an infant in a stroller near where she was mauled if the dogs had attacked that baby instead of her; and

WHEREAS, after hearing about other dog attack victims, she took her case to the state legislature urging them to increase the penalty for not controlling dangerous dogs; and

WHEREAS, on July 1, 1993, House Bill 1218 which holds dog owners to a higher level of responsibility - became law; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends Caress Garten, who transformed her unfortunate experience into a positive new law.

SECTION 2. Her story serves as an inspiration that democracy still does work, even for just one motivated citizen who discovers a law that needs mended.

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. 657, 1993. This proposal, sponsored by Councillor Hinkle, recognizes Dr. David L. Shull, 1993 District 7 Middle School Principal of the Year. Councillor Hinkle read the document and presented a copy of the resolution to Dr. Shull, who expressed appreciation for the recognition. Members of Dr. Shull's family was also present. Councillor Hinkle moved, seconded by Councillor West, for adoption. Proposal No. 657, 1993 was adopted by unanimous voice vote.

Proposal No. 657, 1993 was retitled SPECIAL RESOLUTION NO. 81, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 1993

A SPECIAL RESOLUTION recognizing Dr. David L. Shull, 1993 District 7 Middle School Principal of the Year.

WHEREAS, Dr. David L. Shull, Principal of Ben Davis Junior High School in Wayne Township, has been named 1993 Middle Level School Principal of the Year for District 7 which includes all of Marion County; and

WHEREAS, he graduated from Hanover College and earned advanced degrees at Indiana University; and

WHEREAS, Dr. Shull came to Indianapolis as a Spanish teacher at Southport High School, then became Assistant Principal at Perry Meridian, was Desegregation Coordinator for MSD of Decatur Township and Principal of Decatur Township Junior High School, and since 1985 has been the Principal of Ben Davis Junior High School; and

WHEREAS, at Ben Davis Junior High he has worked to move the school from a traditional junior high to a more student-centered middle level school, introduced interdisciplinary teaming and block scheduling, and enjoys the challenges of personnel management and motivating others; and

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WHEREAS, Dr. Shull encourages public education's role in equal educational opportunities for all individuals in our pluralistic society, is a Church officer, a member of several professional associations, and enjoys reading, jogging, tennis and working with young people; 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 Dr. David L. Shull, principal of Ben Davis Junior High School for winning the District 7 Principal of the Year Award.

SECTION 2. Dr. Shull received this high honor for his years of achievement in his chosen profession.

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. 658, 1993. This proposal, sponsored by Councillor Hinkle, recognizes Dr. James Wesley Mifflin, 1993 Indiana High School Principal of the Year. Councillor Hinkle read the resolution and presented a copy of the document to Dr. Mifflin, who expressed appreciation for the recognition. Councillor Hinkle moved, seconded by Councillor West, for adoption. Proposal No. 658, 1993 was adopted by unanimous voice vote.

Proposal No. 658, 1993 was retitled SPECIAL RESOLUTION NO. 82, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 1993

A SPECIAL RESOLUTION recognizing Dr. James Wesley Mifflin, 1993 Indiana High School Principal of the Year.

WHEREAS, Dr. James Wesley Mifflin, Principal of Ben Davis High School in Wayne Township, has been voted as Indiana's 1993 High School Principal of the Year; and

WHEREAS, Dr. Mifflin is a graduate of Grinnell College, and earned his Doctorate at Indiana University; and

WHEREAS, he came to Indianapolis as Assistant Principal, then Principal, of Westlane Junior High in Washington Township Schools, and in 1982 was named Principal of Ben Davis; and

WHEREAS, Ben Davis is the largest three-year high school in Indiana, and Dr. Mifflin developed the Wayne Enrichment Center, an alternative school, the Drop Out Prevention and Recovery Program which has cut the drop out rate, and the College Potential Program for first generation college-potential students; and

WHEREAS, Principal Mifflin has successfully encouraged excellence in academics, a school user-friendly atmosphere, athletics, forensics and band, has been named a *Sagamore of the Wabash* by Governor Orr, and is active in his Meridian-Kessler Neighborhood Association; 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 1993 Indiana High School Principal of the Year, Ben Davis High School Principal Dr. James Wesley Mifflin.

SECTION 2. Dr. Mifflin is a credit to Ben Davis High School, to its faculty and staff, and to its 2,800 students.

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. 659, 1993. This proposal, sponsored by Councillor Coughenour, recognizes the 100th Anniversary of Wheeler Mission. Councillor Coughenour read the resolution and presented a copy of the document to Rick Alvis, Administrator, Wheeler Mission Ministries, who expressed appreciation for the recognition. Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 659, 1993 was adopted by unanimous voice vote.

Proposal No. 659, 1993 was retitled SPECIAL RESOLUTION NO. 83, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 83, 1993

A SPECIAL RESOLUTION recognizing the 100th anniversary of Wheeler Mission.

WHEREAS, the early 1890's was a time of grand prosperity, Ellis Island was opened, the Indiana Soldiers' and Sailors' Monument was built, businesses were prospering and growing, Indianapolis was expanding its boundaries, and Benjamin Harrison was in the White House; and

WHEREAS, but underneath this excitement there was another world of people afflicted with untreated mental illness, poverty, homelessness, intemperance, and an influx of confused new immigrants from Germany, Ireland, Italy and Blacks from the Old South filled the streets--all worsened by the economic Panic of 1893; and

WHEREAS, William Vincent Wheeler, a man of strong Christian faith, energy and compassion for those who had lost their way in life, opened a mission to help the unfortunates turn their lives around; and

WHEREAS, over the years Wheeler Mission had some particularly hard financial times, but thanks to such friends as Tabernacle Presbyterian Church, the McWhirter family of People's Bank, and many other area churches and individuals, the Missions doors have been open in Indianapolis for a hundred years; now, therefore

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Wheeler Mission for its one hundred years of giving shelter, aid, and hope to those who have needed a helping hand.

SECTION 2. May its leaders, volunteers and donors carry into the 21st Century the same optimism and energy that founder William Vincent Wheeler brought into this Century.

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. 660, 1993. This proposal, sponsored by Councillors Ruhmkorff and O'Dell, congratulates the Warren Township Fire Department Extrication Team. Councillor O'Dell read the resolution and presented a copy of the document to all the team members who were present. Lieutenant Gary Blackwell expressed appreciation for the recognition. Councillor Ruhmkorff moved, seconded by Councillor O'Dell, for adoption. Proposal No. 660, 1993 was adopted by unanimous voice vote.

Proposal No. 660, 1993 was retitled SPECIAL RESOLUTION NO. 84, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 84, 1993

A SPECIAL RESOLUTION congratulating the Warren Township Fire Department Extrication Team.

WHEREAS, the 1993 International Extrication Competition and Learning Symposium was held in Louisville, Kentucky, on October 13-16, 1993; and

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WHEREAS, twenty-three teams from the USA, England, Canada and the Netherlands entered the competition portion of the symposium; and

WHEREAS, Warren Township Fire Department, Indianapolis, Indiana, earned First Place in the Unlimited Category, and brought home to the east side of Indianapolis the large permanent trophy; and

WHEREAS, the main expenses for the team were raised by the team members who held car washes and other fund raising projects; and

WHEREAS, this was the fifth year that Warren Township has competed at the international level; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Warren Township Fire Department's Extrication Team for winning First Place in the 1993 International Extrication Competition and Learning Symposium.

SECTION 2. Team members who did much of their training on their days off were: Lieutenant Gary Blackwell, Lieutenant Tim Baughman, and Firefighters Shawn Grass, Carl Abbott, Dave Dickerson, Brad Beaton, Steve Rowland, Mike Fontaine and Jerry Burns.

SECTION 3. Skills which are learned from competition like this have many practical applications that benefit the residents of the Warren Township fire service district.

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

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

Councillor Franklin asked for permission to introduce a visitor at this time. Permission was given. Mr. Franklin introduced Dr. A. D. Pinckney, President of the Indianapolis Chapter of the National Association for the Advancement of Colored People.

PROPOSAL NO. 661, 1993. This proposal, sponsored by Councillor Borst, commends Purdue University. Councillor Borst read the resolution and presented copies of the document to Tim McGinley, Chairman of the Board of Trustees; Jim Titus, Indianapolis Sports Corporation; and Linda Carroll, whose husband is on the Alumni Association Board of Directors. Mr. McGinley expressed appreciation for the recognition. Councillor Borst moved, seconded by Councillor West, for adoption. Proposal No. 661, 1993 was adopted by unanimous voice vote.

Proposal No. 661, 1993 was retitled SPECIAL RESOLUTION NO. 85, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 85, 1993

A SPECIAL RESOLUTION commending Purdue University.

WHEREAS, Purdue University, one of the nation's finest learning institutions, has produced outstanding Indiana citizens; and

WHEREAS, both the men's and women's Boilermaker Basketball teams have excelled to very high levels both in the classroom and on the hardcourt and have touched the hearts of many Indiana residents; and

WHEREAS, both Purdue's academic and athletic successes will be showcased to Indianapolis-area fans at the Boilermaker BlockBuster, a doubleheader event at Market Square Arena on December 10, 1993; and

WHEREAS, the week prior to the doubleheader, special events will be planned to instill Purdue Pride among the 31,000 Purdue alumni and the many Boilermaker fans in the Indianapolis area; now, therefore:

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

SECTION 1. The Indianapolis City-County Council welcomes Purdue University to Indianapolis during the week of December 5-11, 1993.

SECTION 2. The Council commends Purdue University for its international, national and local contributions in teaching, research, science and athletics.

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. 662, 1993. The proposal approves a schedule of regular council meetings for the year 1994. Councillor Curry moved, seconded by Councillor West, for adoption. Proposal No. 662, 1993 was adopted by unanimous voice vote.

Proposal No. 662, 1993 was retitled COUNCIL RESOLUTION NO. 66, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 1993

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1994.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 1994:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 10, 1994 | (12) Monday, July 11, 1994 |
| (2) Monday, January 31, 1994 | (13) Monday, August 08, 1994 |
| (3) Monday, February 14, 1994 | (14) Monday, August 22, 1994 |
| (4) Monday, February 28, 1994 | (15) Monday, September 12, 1994 |
| (5) Monday, March 21, 1994 | (16) Monday, September 26, 1994 |
| (6) Monday, April 11, 1994 | (17) Monday, October 17, 1994 |
| (7) Monday, April 25, 1994 | (18) Monday, October 31, 1994 |
| (8) Monday, May 09, 1994 | (19) Monday, November 14, 1994 |
| (9) Monday, May 23, 1994 | (20) Monday, November 28, 1994 |
| (10) Monday, June 13, 1994 | (21) Monday, December 12, 1994 |
| (11) Monday, June 27, 1994 | |

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 450, 1993. Introduced by Councillors Coughenour and Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code dealing with the organization of the Departments of Public Works and Transportation"; and the President referred it to the Public Works and Transportation Committees.

PROPOSAL NO. 644, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Chapter 8½ of the Code concerning the franchising of private cable television systems"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 645, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing tax anticipation borrowing for the City during the period from January 1, 1994 through December 31, 1994"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 646, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing tax anticipation borrowing for the County General Fund and the Welfare General Fund during the period from January 1, 1994 through December 31, 1994"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 647, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$9,000 for the Cooperative Extension Service to purchase computer terminals"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 648, 1993. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance and sale to the Indianapolis Local Public Improvement Bond Bank of the Park District Note, for the purpose of procuring funds to refund a certain obligation of the Park District in an amount not to exceed \$3,500,000 (Brookville/Senour Economic Development Area)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 649, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$7,500 for the Superior Court, Criminal Division, Room 3, to cover overtime expenses due to jury trials"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 650, 1993. Introduced by Councillor Jimison. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$197,470 for the Superior Court, Juvenile Division/Detention Center, to cover the cost of a computer system upgrade"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 651, 1993. Introduced by Councillor Jimison. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$33,812 for the Superior Court, Juvenile Division/Detention Center, to pay computer system expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 652, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$24,000 for the Prosecuting Attorney to organize training workshops for agencies that play a role in gang prevention and intervention in Marion County recommended by Project COURAGE and funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 653, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$165,500 for the Sheriff to pay for inmate housing at the Riverside Community Corrections facility from October 15 through December 31, 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 654, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing the county to contract with the sheriff for salary compensation in lieu of collection fees and by repealing Sec. 2-21 of the Code"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 655, 1993. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning numbering buildings"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 663, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Lois Horth to the Public Housing Advisory Council"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 664, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of space for the Family Advocacy Center located at 233 McCrea Street"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 665, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Chapter 102 of the Revised Code concerning the Definitions"; and the President referred it to the Rules and Public Policy Committee.

Councillor Curry asked for consent to hear Proposal No. 665, 1993 at this meeting under New Business. Consent was given.

PROPOSAL NO. 673, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$6,800 for the Superior Court, Criminal Division, Room Five, to cover staff salaries through December 31, 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 674, 1993. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$24,000 for the County Coroner to pay contractual expenses"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 666, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on November 19, 1993". The Council did not schedule Proposal No. 666, 1993 for hearing pursuant to IC 36-7-46-608. Proposal No. 666, 1993 was retitled REZONING ORDINANCE NO. 162, 1993 and is identified as follows:

REZONING ORDINANCE NO. 162, 1993. 93-Z-150 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
8602 EAST 10TH STREET (approximate address), INDIANAPOLIS.
AUGUST A. KUHN, by Michael J. Kias, requests the rezoning of 0.88 acre, being in the D-A District, to the C-I classification to provide for office use.

PROPOSAL NOS. 667-672, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 19, 1993". The Council did not schedule Proposal Nos. 667-672, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 667-672, 1993 were retitled REZONING ORDINANCE NOS. 163-168, 1993 and are identified as follows:

REZONING ORDINANCE NO. 163, 1993. 93-Z-146 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 9.
740 WEST 28TH STREET (approximate address), INDIANAPOLIS.
METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of 1.4 acres, being in the C-3 District, to the SU-1 classification to conform an existing church use with the appropriate zoning classification.

REZONING ORDINANCE NO. 164, 1993. 93-Z-151 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 3.
8701 RIVER ROAD (approximate address), INDIANAPOLIS.
P K PARTNERS, L.P., by Harry F. McNaught, requests the rezoning of 85 acres, being in the D-A and SU-23 (GSB) District, to the C-S classification to provide for a mixed-use development to consist of an integrated retail commercial center, offices, a hotel, a free-standing restaurant and 675 residential apartments.

REZONING ORDINANCE NO. 165, 1993. 93-Z-161 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
701 SOUTH MITTHOEFFER ROAD (approximate address) INDIANAPOLIS.
ROY PROCK, by Philip A. Nicely, requests the rezoning of 53.9 acres, being in the D-A District, to the D-3 classification to provide for a residential subdivision.

REZONING ORDINANCE NO. 166, 1993. 93-Z-163 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 9.
4506 NORTH DAKOTA STREET (approximate address), INDIANAPOLIS.
JACK A. & JACQUELINE R. KESLER, by Michael D. Keele, requests the rezoning of 1.5 acres, being in the D-A District, to the C-5 classification to provide for commercial development.

REZONING ORDINANCE NO. 167, 1993. 93-Z-164 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 6.
4137-4167 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.
DEPARTMENT OF PUBLIC SAFETY, CITY OF INDIANAPOLIS, requests the rezoning of 1.18 acres, being in the C-3 District, to the SU-9 classification to provide for a fire station.

REZONING ORDINANCE NO. 168, 1993. 93-Z-166 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT # 23.
5418 ELMWOOD AVENUE (approximate address), BEECH GROVE.
REFFCO L.P., by Brian J. Tuohy, requests the rezoning of 3.09 acres, being in the D-7 District, to the I-2-S classification to provide for industrial use.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 549, 1993. Councillor Ruhmkorff reported that the Community Affairs Committee heard Proposal No. 549, 1993 on November 17, 1993. The proposal appropriates \$421,998 for the Marion County Healthcare Center to cover additional nursing staff salaries and to pay for patient services and computer repair expenses. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:51 p.m. There being no one present to testify, Councillor Ruhmkorff moved, seconded by Councillor Franklin, for adoption. Proposal No. 549, 1993 was adopted on the following roll call vote; viz:

22 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West, Williams*
 0 NAYS: -
 6 NOT VOTING: *Franklin, Giffin, Jimison, Jones, O'Dell, Short*
 1 NOT PRESENT: *Schneider*

Proposal No. 549, 1993 was retitled FISCAL ORDINANCE NO. 97, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 97, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Four Hundred Twenty-one Thousand Nine Hundred Ninety-eight Dollars (\$421,998) in the County General Fund for purposes of the Marion County Healthcare Center and reducing certain other appropriations for that agency and the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (l) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Healthcare Center to cover additional nursing staff and to pay for patient services and computer repair expenses.

SECTION 2. The sum of Four Hundred Twenty-one Thousand Nine Hundred Ninety-eight Dollars (\$421,998) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY HEALTHCARE CENTER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 70,000
3. Other Services and Charges	<u>351,998</u>
TOTAL INCREASE	\$421,998

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

<u>MARION COUNTY HEALTHCARE CENTER</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$154,373
4. Capital Outlay	24,505
Unappropriated and Unencumbered County General Fund	<u>\$243,120</u>
TOTAL REDUCTION	\$421,998

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

PROPOSAL NO. 588, 1993. The proposal appropriates \$25,000 for the County Auditor to provide funds for the Indianapolis Challenge, a local coordinating council promoting a drug-free community. Councillor Rhodes asked for consent to postpone Proposal No. 588, 1993 until December 13, 1993. Consent was given.

PROPOSAL NO. 591, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 591, 1993 on November 10, 1993. The proposal appropriates \$128,134 for the Prosecuting Attorney to continue the Victim Assistance Program funded by a state grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:53 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 591, 1993 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

2 NOT VOTING: *Giffin, O'Dell*

1 NOT PRESENT: *Schneider*

Proposal No. 591, 1993 was retitled FISCAL ORDINANCE NO. 98, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 98, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Twenty-eight Thousand One Hundred Thirty-four Dollars (\$128,134) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (w) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to request the annual state grant appropriation for the Victim Witness Program.

SECTION 2. The sum of One Hundred Twenty-eight Thousand One Hundred Thirty-four Dollars (\$128,134) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	\$105,029
 <u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>23,105</u>
 TOTAL INCREASE	 \$128,134

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

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$128,134</u>
TOTAL REDUCTION	\$128,134

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

PROPOSAL NO. 592, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 592, 1993 on November 10, 1993. The proposal reallocates \$312,021 to fund the 1993 budget of the Supplemental Public Defender Fees Fund. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:55 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 592, 1993 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*
1 NAY: *Rhodes*
2 NOT VOTING: *Borst, Giffin*
1 NOT PRESENT: *Schneider*

Proposal No. 592, 1993 was retitled FISCAL ORDINANCE NO. 99, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 99, 1993

A FISCAL ORDINANCE reallocating Three Hundred Twelve Thousand Twenty-One Dollars (\$312,021) from the County General Fund to the Supplemental Public Defender Fees Fund.

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

SECTION 1. To approve the reallocation of resources to fund the 1993 budget, Three Hundred Twelve Thousand and Twenty-One Dollars (\$312,021) is hereby ordered transferred from the County General Fund to the Supplemental Public Defender Fees Fund.

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

PROPOSAL NOS. 594 and 595, 1993. The President ruled that these two fiscal ordinances would be voted on together. PROPOSAL NO. 594, 1993. The proposal appropriating \$173,560 for Community Corrections to finance additional home detention units and residential beds funded by a state grant. PROPOSAL NO. 595, 1993. The proposal appropriates \$150,666 of Home Detention User Fees for the Community Corrections Agency for operating expenses for the 1993-94 fiscal year. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 594 and 595, 1993 on November 10, 1993. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 8:57 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Golc, for adoption. Proposal Nos. 594 and 595, 1993 were adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Borst, Giffin, SerVaas*

1 NOT PRESENT: *Schneider*

Proposal No. 594, 1993 was retitled FISCAL ORDINANCE NO. 100, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 100, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Seventy-three Thousand Five Hundred Sixty Dollars (\$173,560) in the State and Federal Grants Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (aa) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to appropriate state funds for FY93-94 to pay for additional home detention units and residential beds.

SECTION 2. The sum of One Hundred Seventy-three Thousand Five Hundred Sixty Dollars (\$173,560) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	\$113,560
4. Capital Outlay	<u>60,000</u>
TOTAL INCREASE	\$173,560

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>\$173,560</u>
TOTAL REDUCTION	\$173,560

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

Proposal No. 595, 1993 was retitled FISCAL ORDINANCE NO. 101, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 101, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Fifty Thousand Six Hundred Sixty-six Dollars (\$150,666) in the Home Detention user Fee Fund for purposes of the Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to appropriate User Fee Funds for FY93-94 to pay for personnel, purchase equipment and office supplies.

SECTION 2. The sum of One Hundred Fifty Thousand Six Hundred Sixty-six Dollars (\$150,666) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	\$ 74,875
2. Supplies	1,500
3. Other Services and Charges	4,000
4. Capital Outlay	58,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>12,291</u>
 TOTAL INCREASE	 \$150,666

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered Home Detention User Fee Fund	<u>\$150,666</u>
TOTAL REDUCTION	\$150,666

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

PROPOSAL NO. 596, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 596, 1993 on November 11, 1993. The proposal authorizes the transfer of the Mark DiSvero "Snow Plow" sculpture to the Indianapolis Museum of Art. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Curry stated that in Exhibit A of Proposal No. 596, 1993 a committee is established to administer the proceeds from the sale of the sculpture. This committee consists of seven members and includes the director of the City's Department of Transportation. Proposal No. 450, 1993 is to be heard at this meeting which moves the division in charge of removing snow from the Department of Transportation to the Department of Public Works. Councillor Curry asked if it would be more appropriate if this committee would include the director of the Department of Public Works instead of the director of the Department of Transportation. Councillor Coughenour stated that she would take that as a friendly amendment. Councillor Curry moved, seconded by Councillor Coughenour, to amend Proposal No. 596, 1993, Exhibit A, paragraph No. 5, by changing one of the committee members from the director of the City's Department of Transportation to the director of the City's Department of Public Works. This motion passed by unanimous voice vote.

Councillor O'Dell questioned the fact that the Project Agreement between the City and the Indianapolis Museum of Art concerning the sculpture states that the administrative expenses

shall be paid by the Department of Parks and Recreation. He opposes that and he questioned the need to create another committee to administer arts funding.

Councillor Coughenour asked Peggy Piety, the assistant corporation counsel who drafted this Project Agreement, to respond to Councillor O'Dell's concerns. Ms. Piety stated that she did not believe that the administrative costs will be expensive and the Museum of Art has made a commitment to use volunteers to keep the costs down. She also stated that the committee has a limited duration of three years.

Councillor Jimison asked how an individual or an organization will submit their request for a grant. Ms. Piety responded that will be a committee decision. Ms. Jimison asked how will this information be made available. Ms. Piety stated that will also be a committee decision.

The President asked that Councillor Jimison receive a copy of the committee's decision concerning the grant guidelines. Ms. Piety stated that she will ask the committee to send Councillor Jimison that information.

Councillor McClamroch asked for a range of the administrative costs. Ms. Piety responded that she could not give a figure for that expense.

The President asked Councillors Coughenour and O'Dell to keep him advised concerning who shall pay the administrative costs.

The President called for public testimony at 9:15 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 596, 1993, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Gray, Jimison, Jones, Mullin, Rhodes, SerVaas, Short, West, Williams

9 NAYS: Dowden, Golc, Hinkle, McClamroch, Moriarty, O'Dell, Ruhmkorff, Shambaugh, Smith

1 NOT VOTING: Giffin

1 NOT PRESENT: Schneider

Proposal No. 596, 1993, as amended, was retitled SPECIAL RESOLUTION NO. 86, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 86, 1993

A SPECIAL RESOLUTION authorizing the City of Indianapolis by and through its Department of Public Works to transfer the Mark DiSuvero "Snow Plow" sculpture to the Indianapolis Museum of Art.

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

SECTION 1. Pursuant to Section 2-516 of the Code of Indianapolis and Marion County, Indiana, which requires City-County Council approval for the transfer of personal property which was originally valued at Five Thousand Dollars (\$5,000.00) or more, the City-County Council authorizes the transfer of the Mark DiSuvero "Snow Plow" sculpture by the Department of Public Works to the Indianapolis Museum of Art. The transfer shall be at the terms and conditions specified in the Project Agreement attached to this Special Resolution as Exhibit "A".

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

EXHIBIT A

PROJECT AGREEMENT BETWEEN CITY OF INDIANAPOLIS
AND
INDIANAPOLIS MUSEUM OF ART CONCERNING
THE DISUVERO "SNOW PLOW" SCULPTURE

This Agreement is entered into by and between the Consolidated City of Indianapolis, Indiana, by and through its Department of Public Works, Suite 2460, 200 East Washington Street, Indianapolis, Indiana 46204 (City) and the Indianapolis Museum of Art, 1200 West 38th Street, Indianapolis, Indiana 46208 (Museum).

WITNESSETH THAT:

WHEREAS, in the mid-1970's the City purchased the Mark DiSuvero "Snow Plow" sculpture (Sculpture) to commemorate its sesquicentennial using monies raised by the Indianapolis Sesquicentennial Commission and a grant from the National Endowment of the Arts (NEA); and

WHEREAS, the City desires to transfer its right, title, ownership or other interest in the Sculpture to the Museum and the Museum agrees to purchase the City's right, title, ownership or other interest in the Sculpture in order to improve access to and appreciation of the work by displaying it on Museum grounds; and

WHEREAS, the City and the Museum both desire that the proceeds from the sale of the Sculpture be used to acquire or develop other works of art for display in public or publicly accessible spaces in the City and Marion County, Indiana; and

WHEREAS, the NEA has no objection to this sale of the Sculpture and use of the proceeds, which is consistent with the overall objectives of the NEA's original grant to the City; and

WHEREAS, such a transfer between the City and the Museum is authorized by IND. CODE 36-1-11-1(b)(7) and Section 2-516 of the Code of Indianapolis and Marion County, Indiana, upon such terms and conditions as the parties may agree and as are approved by the City's Board of Public Works and the City County Council.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. In exchange for the sum of One Hundred Twenty Thousand Dollars (\$120,000), payable in three installments, without interest, on the first business day of January in 1994, 1995 and 1996 (the Proceeds), the City agrees to transfer the City's right, title, ownership or other interest in the Sculpture to the Museum for public display on the Museum's grounds.
2. The Museum agrees to pay all costs associated with the deinstallation and removal of the Sculpture from the City's property, transportation to the Museum's grounds, and refurbishing and reinstallation of the Sculpture at the Museum.
3. The Museum agrees to consult with Mr. DiSuvero to assure the Sculpture's artistic integrity during its transfer and reinstallation on Museum grounds.
4. The City transfers and the Museum accepts the Sculpture "as is." The City disclaims all warranties including implied warranties of merchantability and fitness for a particular purpose.
5. The Proceeds shall be placed in a separate account administered by the Controller at the direction of a seven (7) member committee (Committee), consisting of the following persons: the director of the Indianapolis Museum of Art, the director of the Indianapolis Children's Museum, the director of the City's Department of Parks and Recreation who shall serve as Committee chair, a person appointed by the Mayor to serve at his pleasure, the executive director of the Indianapolis Arts Council, the director of the City's Department of Public Works, and a City County Councillor appointed by the City County Council to serve at its pleasure.
6. The Committee shall accept and review proposals for and approve the expenditure of the Proceeds to acquire or develop art by living artists to be placed in public or publicly accessible spaces in the City of Indianapolis and Marion County, Indiana. The terms art and artists shall be interpreted broadly to include any proposals from creditable sources which the Committee believes will enhance, preferably on a permanent basis,

the artistic and cultural value of the City's public or publicly accessible spaces or Capital Improvements Program projects.

7. The Committee shall establish procedures for the solicitation of proposals and the review and award of the proposals received using the following guidelines:

- a) The artistic merit of the proposal, interpreted broadly to include as arts, among other disciplines, the creative fields of architecture, landscape architecture, and related design disciplines.
- b) The ability of a proposal to attract additional monies from other federal or state agencies and/or private funding sources.
- c) The appropriateness of a proposal to its intended neighborhood and its ability to involve the residents of that neighborhood by either documented support, in-kind donations, or their participation in the planning of the proposal or the creation of the art.
- d) The ability of a proposal to be constructed expeditiously and soundly with the funds available and to be utilized with the highest degree of safety.
- e) A low long-term maintenance cost of the proposal.

8. The Committee may fund proposals in part or in whole to maximize the distribution of the Proceeds, but in no event shall more than Twenty-Five Thousand Dollars (\$25,000.00) be awarded to any one proposal.

9. The Committee shall have the authority to negotiate with artists regarding the scale and deployment of proposals.

10. The Committee shall have the authority to assist other federal or state agencies and/or private funding sources in applying for grants in support of the Committee's objectives and to permit the use of those grants in conjunction with the use of the Proceeds.

11. The Committee and the Controller shall establish such procedures as are necessary to account for the use of the Proceeds by the recipients, including but not limited to receiving progress reports for each awarded proposal. Copies of such reports shall be provided to the Mayor and to the Clerk of the City-County Council.

12. The Committee's administrative expenses, if any, shall be paid by the City's Department of Parks and Recreation. The Museum will assist the City in reducing the administrative expenses of the Committee through its volunteers and other non-financial means.

13. The Museum warrants that it is an Indiana not-for-profit corporation as defined by IND. CODE 36-1-11-1(b)(7) and is an eligible corporation as defined by Section 2-513 of the Code of Indianapolis and Marion County, Indiana.

14. The Museum agrees to indemnify and hold harmless the City and its officers, agents or employees, from any and all claims or threats of claims, costs, losses, liabilities, judgments, or liens arising out of or in any way connected with the ownership of the Sculpture, or the deinstallation, transfer, refurbishing, reinstallation, and display of the Sculpture at the Museum.

This Agreement is entered into by the parties on the dates shown below and becomes effective when fully executed.

ON _____, 1993,
Board of Public Works approved agreement and
authorized the Director to execute the agreement.

THE INDIANAPOLIS MUSEUM OF ART

CONSOLIDATED CITY OF
INDIANAPOLIS, INDIANA

By: _____

By: _____

Printed: _____

Michael Stayton, Acting Director
Department of Public Works

Title: _____

Date: _____

Date: _____

ATTEST:

Lisa Hansen, Board Secretary

APPROVED:

James H. Steele, Jr., Controller

Date: _____

Approved as to form and legality:
Sue A. Beesley, Corporation Counsel

By: _____
Margaret E. Piety
Assistant Corporation Counsel

Date: _____

PROPOSAL NO. 620, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 620, 1993 on November 15, 1993. The proposal appropriates \$90,500 for the City Controller to cover the costs of converting to a new computer system for the Barrett Law section. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:18 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 620, 1993 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Giffin, Ruhmkorff

1 NOT PRESENT: Schneider

Proposal No. 620, 1993 was retitled FISCAL ORDINANCE NO. 102, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 102, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Ninety Thousand Five Hundred Dollars (\$90,500) in the City General Fund for purposes of the Office of the Controller and reducing the unappropriated and unencumbered balance in the City General Fund.

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

SECTION I. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.01 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the City Controller to: (1) purchase hardware for a new computer system, (2) pay for professional services and consulting fees related to the conversion costs, and (3) purchase the necessary network software and miscellaneous equipment for the new system. (This additional

appropriation to the budget of the Office of the City Controller will be funded by a transfer from the Barrett Law Fiduciary Fund and will have no effect on local taxes.)

SECTION 2. The sum of Ninety Thousand Five Hundred Dollars (\$90,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>OFFICE OF THE CONTROLLER</u>	<u>CITY GENERAL FUND</u>
2. Supplies	\$ 5,500
3. Other Services and Charges	43,000
4. Capital Outlay	<u>42,000</u>
TOTAL INCREASE	\$90,500

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

	<u>CITY GENERAL FUND</u>
Unappropriated and Unencumbered	
City General Fund	<u>\$90,500</u>
TOTAL REDUCTION	\$90,500

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

PROPOSAL NO. 623, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 623, 1993 on November 10, 1993. The proposal transfers and appropriates \$11,300 for the Court Administrator to cover construction costs for the new Court Administrator Agency which will be located in Suite 341T in the City-County Building. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:20 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 623, 1993, as amended, was adopted on the following roll call vote; viz:

- 23 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Smith, West*
- 3 NAYS: *Black, Short, Williams*
- 2 NOT VOTING: *Giffin, Ruhmkorff*
- 1 NOT PRESENT: *Schneider*

Proposal No. 623, 1993, as amended, was retitled FISCAL ORDINANCE NO. 103, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 103, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Elelven Thousand Three Hundred Dollars (\$11,300) in the County General Fund for purposes of the Court Administrator and reducing certain other appropriations for that office.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated to defray construction/build-out costs for the Court Administrator's office

complex in Suite T341 (Cafeteria) to house the Court Administrator, Administrative Assistant, Jury Pool, and General Term Reporter Operations.

SECTION 2. The sum of Eleven Thousand Three Hundred Dollars (\$11,300) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COURT ADMINISTRATOR</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>\$11,300</u>
TOTAL INCREASE	\$11,300

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

<u>COURT ADMINISTRATOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 7,400
2. Supplies	1,700
3. Other Services and Charges	600
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>1,600</u>
TOTAL REDUCTION	\$11,300

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

PROPOSAL NO. 626, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 626, 1993 on November 11 and 16, 1993. The proposal amends the Code by extending the current sewer service and user rates through January and February 1994. By a 5-0 vote on November 16, 1993, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:23 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 626, 1993 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*
1 NAY: *Black*
1 NOT VOTING: *Giffin*
1 NOT PRESENT: *Schneider*

Proposal No. 626, 1993, as amended, was retitled GENERAL ORDINANCE NO. 157, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 157, 1993

A GENERAL ORDINANCE amending the Section of the Revised Code dealing with the establishment of rates and charges for the use of the sewer system.

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

SECTION 1. Sec. 67I-102 of the Revised Code of the Consolidated City and County, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 27671-102. Basis for charge; how calculated.

(a) *Established.* The sewer user charge imposed by this article shall be based upon the following general formulas:

$$V_T = Vu_1 + Vu_2 \dots + Vu_n$$

$$V_c = \frac{C_T - C_I - C_{I'} - C_u - C_E - I}{V_T} + \frac{0.25(C_I + C_{I'} + C_u)}{V_T}$$

$$C_c = \frac{0.75(C_I + C_{I'} + C_u)}{T_c} \div 12$$

Nonindustrial user: $R = Vu(V_c) + C_c$

Industrial user: $R = Vu(V_c) + Bc(B) + Sc(S) + Nc(N) + Pc(P) + Vu(I_u) + C_c$

Where

- C_c = Availability of service charge per month.
- C_T = Total operation and maintenance cost per a unit of time.
- C_I = Operation and maintenance cost to transport and treat infiltration per a unit of time.
- C_{I'} = Operation and maintenance cost to transport and treat inflow per a unit of time.
- C_u = Operation and maintenance cost to transport and treat unmetered water per a unit of time.
- C_E = Operation and maintenance cost to treat wastes in excess of base level strength.
- V_c = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.
- B_c = Operation and maintenance cost to treat a unit of BOD.
- S_c = Operation and maintenance cost to treat a unit of SS.
- N_c = Operation and maintenance cost to treat a unit of ammonia nitrogen.
- P_c = Operation and maintenance cost to treat any other pollutant.
- B = Amount of BOD from a user above a base level.
- S = Amount of SS from a user above a base level.
- N = Amount of ammonia nitrogen from a user above a base level.
- P = Amount of any other pollutant from a user above a base level.
- V_u = Volume contribution per user per a unit of time.
- V_T = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).
- I = Industrial surveillance cost per a unit of time.
- I_u = Industrial surveillance cost per a unit of industrial volume per a unit of time.
- R = User's charge for operation and maintenance per a unit of time.
- V_R = Total waste water contributed by residential customers per a year.
- T_c = Total number of connections to the system.

(b) *Application.* Until amended the following rates or factors shall apply; effective January 1, 1985, and shall be in effect for the calendar years 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, ~~and for the calendar year of 1993,~~ and for January and February of 1994:

- V_c = \$1.1339 per 1,000 gallons
- I_u = \$0.0539 per 1,000 gallons
- B_c = \$0.0859 per pound
- S_c = \$0.0970 per pound
- C_c = \$2.03 per month
- N = \$0.4474 per pound

(c) *Minimum charge and base level.* The minimum charge on any monthly billing for an industrial user shall be \$5.59 and non-industrial user shall be \$5.43. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter, and NH₃-N base level shall be 20 milligrams per liter. The industrial and non-industrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the

same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided.

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

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

SECTION 3. Should any provision 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 adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 643, 1993. The proposal transfers and appropriates \$44,000 for the Marion County Public Defender Agency to pay public defender salaries for the Marion County Drug Court. Councillor Dowden asked for consent to postpone Proposal No. 643, 1993 until December 13, 1993. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 482, 1993. Councillor Ruhmkorff reported that the Community Affairs Committee heard Proposal No. 482, 1993 on November 17, 1993. The proposal approves the rate schedule for the Marion County Healthcare Center. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor McClamroch, for adoption. Proposal No. 482, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Giffin

1 NOT PRESENT: Schneider

Proposal No. 482, 1993 was retitled GENERAL RESOLUTION NO. 19, 1993 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 1993

A GENERAL RESOLUTION approving the schedule of charges for the care and maintenance of patients or residents of the Marion County Healthcare Center.

WHEREAS, the Board of Managers of the Marion County Healthcare Center is directed, by Indiana Code 12-30-3-18, to fix the schedule of charges for the care and maintenance of patients or residents of the Marion County Healthcare Center; and

WHEREAS, on June 5, 1993, the Board of Managers of the Marion County Healthcare Center unanimously voted to increase the schedule of charges and to fix that schedule of charges as described in Exhibit A attached; and

WHEREAS, these rates are based on a fair and reasonable estimate of the cost of care and do not anticipate any profit from rendering such care; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County hereby approves the schedule of charges set by the Marion County Healthcare Center Board of Managers at its June meeting as described in Exhibit A attached.

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

PROPOSAL NO. 488, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 488, 1993 on November 10, 1993. The proposal transfers and appropriates \$4,000 for the Superior Court, Juvenile Division/Detention Center, to purchase supplies. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 488, 1993 was adopted on the following roll call vote; viz:

- 26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*
- 0 NAYS:
- 2 NOT VOTING: *Giffin, O'Dell*
- 1 NOT PRESENT: *Schneider*

Proposal No. 488, 1993 was retitled FISCAL ORDINANCE NO. 104, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 104, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Four Thousand Dollars (\$4,000) in the County Grants Fund for purposes of the Superior Court, Juvenile Division/Detention Center and reducing certain other appropriations for that office.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (kk) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Juvenile Division/Detention Center to purchase supplies.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, JUVENILE DIVISION</u>	
<u>DETENTION CENTER</u>	<u>COUNTY GRANTS FUND</u>
2. Supplies	\$2,000
4. Capital Outlay	<u>2,000</u>
TOTAL INCREASE	\$4,000

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

SUPERIOR COURT, JUVENILE DIVISION

DETENTION CENTER

3. Other Services and Charges

TOTAL REDUCTION

COUNTY GRANTS FUND

\$4,000

\$4,000

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

PROPOSAL NO. 552, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 552, 1993 on November 10, 1993. The proposal transfers and appropriates \$1,600 for the Superior Court, Criminal Division, Room Two, to cover copier rental and maintenance expenses. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Jimison, to strike. Proposal No. 552, 1993 was stricken by unanimous voice vote.

PROPOSAL NO. 569, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 569, 1993 on November 17, 1993. The proposal amends the Code by authorizing a traffic signal at the Lilly Access Drive with Raymond Street approximately 2,200 feet east of Harding Street; said signal shall be the sole responsibility of Lilly, including design, construction and energy costs (District 25). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Borst, for adoption. Proposal No. 569, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Schneider*

Proposal No. 569, 1993 was retitled GENERAL ORDINANCE NO. 158, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 158, 1993

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>
31, Pg. 5	Lilly Access Dr & Raymond St (1100 W)	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. 593, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 593, 1993 on November 10, 1993. The

proposal transfers and appropriates \$17,560 for Community Corrections to amend a home detention equipment lease agreement by changing it to a purchase agreement. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 593, 1993 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:
3 NOT VOTING: *Giffin, Hinkle, O'Dell*
1 NOT PRESENT: *Schneider*

Proposal No. 593, 1993 was retitled FISCAL ORDINANCE NO. 105, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 105, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Seventeen Thousand Five Hundred Sixty Dollars (\$17,560) in the County General Fund for purposes of the Community Corrections and reducing certain other appropriations for that office.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (aa) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to amend a home detention equipment lease agreement to a purchase agreement.

SECTION 2. The sum of Seventeen Thousand Five Hundred Sixty Dollars (\$17,560) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>\$17,560</u>
TOTAL INCREASE	\$17,560

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

<u>COMMUNITY CORRECTIONS</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services	<u>\$17,560</u>
TOTAL REDUCTION	\$17,560

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

PROPOSAL NO. 613, 1993. In Councillor Giffin's absence Councillor Ruhmkorff gave the committee report. Proposal No. 613, 1993 was heard by the Economic Development Committee on November 3, 1993. The proposal approves the issuance of City of Indianapolis, Indiana Multi-family Housing Revenue Bonds (Sunrise Apartments Project) Series 1993A, Series 1993B and Series 1993C in a total aggregate principal amount not to exceed \$6,000,000. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Franklin, for adoption. Proposal No. 613, 1993 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

2 NOT VOTING: *Giffin, Mullin*

1 NOT PRESENT: *Schneider*

Proposal No. 613, 1993 was retitled SPECIAL ORDINANCE NO. 14, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 14, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Multifamily Housing Revenue Bonds (Sunrise Apartments Project) Series 1993A, Taxable Series 1993B, and Series 1993C, in the total aggregate principal amount not to exceed \$6,000,000 (collectively, the "Bonds"), and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, a representative of Sunrise Housing, Ltd. (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to acquire a multifamily rental housing development known as Sunrise Apartments consisting of 16 apartment buildings containing a total of approximately 304,272 net rentable square feet constructed into 320 apartments plus community, maintenance and laundry buildings located within the jurisdiction of the Issuer at 4514 Candler Circle, Indianapolis, Indiana; to acquire machinery, equipment and furnishings for use in the facility; and to acquire, renovate, construct and install various site improvements at the facility (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition of the Project by issuing its Multifamily Housing Revenue Bonds (Sunrise Apartments Project) Series 1993A (the "Series A Bonds"), Taxable Series 1993B (the "Series B Bonds"), and Series 1993C (the "Series C Bonds"), in the total aggregate principal amount not to exceed \$6,000,000 (collectively, the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 3, 1993 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of December 1, 1993 by and between the Issuer, First Commercial Trust Company, National Association and Peoples Bank & Trust Company, as Co-Trustees (the "Co-Trustees") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of December 1, 1993, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Issuer, Co-Trustees and Company will enter into a Regulatory Agreement (the "Regulatory Agreement") dated as of December 1, 1993 in order to assure the Issuer and the owners of the Bonds that interest on the Series A Bonds and Series B Bonds will be excluded from gross income for federal income tax purposes under Section 103 of the Code, to satisfy the public purposes for which the Bonds are authorized to be issued under the Act, and to satisfy the purposes of the Issuer in determining to issue the Bonds that certain limits on the occupancy of units in the Project need to be established and certain other requirements need to be met; and

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

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, Indenture, Regulatory Agreement, Bond Purchase Agreement, Preliminary Official Statement, Preliminary Confidential Placement Memorandum, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article I, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the total aggregate principal amount not to exceed Six Million Dollars (\$6,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter 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 and Preliminary Confidential Placement Memorandum are each hereby deemed final as of the date of each, 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 and Preliminary Confidential Placement Memorandum is hereby authorized to certify to Miller & Schroeder Financial, Inc. (the "Underwriter") that the information in the Preliminary Official Statement and Preliminary Confidential Placement Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement and Preliminary Confidential Placement Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 10%. The use of a Final Official Statement and a Final Confidential Placement Memorandum in substantially the same form as the Preliminary Official Statement and

Preliminary Confidential Placement Memorandum approved herein are each approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 617, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 617, 1993 on November 15, 1993. The proposal approves reductions in proposed expenditures since the adoption of the 1993 City-County Annual Budget in the amount of \$13,757,224. Councillor Rhodes stated that the State Board of Tax Commissioners now requests an official record of such reductions. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 617, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Giffin

1 NOT PRESENT: Schneider

Proposal No. 617, 1993 was retitled FISCAL ORDINANCE NO. 106, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 106, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) by reducing appropriations by Thirteen Million Seven Hundred Fifty-seven Thousand Two Hundred Twenty-four Dollars (\$13,757,224) in the following: City General Fund, Consolidated County Fund, Redevelopment General Fund, Metropolitan Development General Fund, Transportation General Fund, Parks General Fund, Parks General/Golf Fund, Historic Preservation Fund and Parking Meter Fund.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1993, be and is hereby amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

<u>OFFICE OF THE CONTROLLER</u>	<u>CITY GENERAL FUND</u>
I. Personal Services	\$157,000
DEPARTMENT OF ADMINISTRATION <u>ADMINISTRATIVE SERVICES DIVISION</u>	
I. Personal Services	62,000
DEPARTMENT OF PUBLIC WORKS <u>OFFICE OF THE DIRECTOR</u>	
I. Personal Services	120,000
DEPARTMENT OF PUBLIC SAFETY <u>OFFICE OF THE DIRECTOR</u>	
I. Personal Services	30,700
3. Other Services and Charges	<u>5,000</u>
<i>TOTAL REDUCTION CITY GENERAL FUND</i>	\$374,700
<u>OFFICE OF THE CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
I. Personal Services	8\$ 47,640
<u>PURCHASING DIVISION</u>	
I. Personal Services	5,000
2. Supplies	66,380
3. Other Services and Charges	313,028
DEPARTMENT OF ADMINISTRATION <u>HUMAN RESOURCE DIVISION</u>	
I. Personal Services	100,000
DEPARTMENT OF ADMINISTRATION <u>EQUAL OPPORTUNITY DIVISION</u>	
I. Personal Services	38,640
DEPARTMENT OF METROPOLITAN DEVELOPMENT <u>FINANCIAL SERVICES DIVISION</u>	
2. Supplies	1,751
3. Other Services and Charges	27,280
4. Capital Outlay	1,969
DEPARTMENT OF PUBLIC SAFETY <u>EMERGENCY MANAGEMENT PLANNING DIVISION</u>	
I. Personal Services	19,840
2. Supplies	1,000
3. Other Services and Charges	2,160
DEPARTMENT OF PUBLIC SAFETY <u>WEIGHTS AND MEASURES DIVISION</u>	
I. Personal Services	37,750
3. Other Services and Charges	3,000
DEPARTMENT OF PUBLIC SAFETY <u>ANIMAL CONTROL DIVISION</u>	
I. Personal Services	99,000
3. Other Services and Charges	<u>2,000</u>
<i>TOTAL REDUCTION CONSOLIDATED COUNTY FUND</i>	\$766,438
DEPARTMENT OF METROPOLITAN DEVELOPMENT <u>NEIGHBORHOOD & DEVELOPMENT SERVICE DIVISION</u>	<u>REDEVELOPMENT GENERAL FUND</u>
3. Other Services and Charges	<u>\$3,491,517</u>
<i>TOTAL REDUCTION REDEVELOPMENT GENERAL FUND</i>	\$3,491,517

DEPARTMENT OF METROPOLITAN DEVELOPMENT <u>PLANNING DIVISION</u>	METROPOLITAN DEVELOPMENT <u>GENERAL FUND</u>
1. Personal Services	\$ 222,083
2. Supplies	38,120
4. Capital Outlay	16,515
DEPARTMENT OF METROPOLITAN DEVELOPMENT <u>NEIGHBORHOOD & DEVELOPMENT SERVICE DIVISION</u>	
1. Personal Services	170,000
2. Supplies	40,000
3. Other Services and Charges	1,283,000
4. Capital Outlay	<u>150,000</u>
TOTAL REDUCTION METROPOLITAN DEVELOPMENT GENERAL FUND	\$1,919,718
DEPARTMENT OF TRANSPORTATION <u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	<u>\$10,000</u>
TOTAL REDUCTION TRANSPORTATION GENERAL FUND	\$10,000
DEPARTMENT OF PARKS AND RECREATION	<u>PARK GENERAL FUND</u>
1. Personal Services	\$ 602,307
2. Supplies	456,391
3. Other Services and Charges	1,903,654
4. Capital Outlay	<u>238,303</u>
TOTAL REDUCTION PARK GENERAL FUND	\$3,200,655
DEPARTMENT OF PARKS AND RECREATION	<u>PARK GENERAL/GOLF FUND</u>
1. Personal Services	\$1,643,475
2. Supplies	564,178
3. Other Services and Charges	<u>1,218,115</u>
TOTAL REDUCTION PARK GENERAL/GOLF FUND	\$3,425,768
DEPARTMENT OF METROPOLITAN DEVELOPMENT <u>HISTORIC PRESERVATION COMMISSION</u>	<u>HISTORIC PRESERVATION FUND</u>
1. Personal Services	\$16,411
2. Supplies	1,400
3. Other Services and Charges	8,144
4. Capital Outlay	<u>895</u>
TOTAL REDUCTION HISTORIC PRESERVATION FUND	\$26,850
DEPARTMENT OF TRANSPORTATION <u>FINANCE AND ADMINISTRATION DIVISION</u>	<u>PARKING METER FUND</u>
1. Personal Services	\$341,578
3. Other Services and Charges	<u>200,000</u>
TOTAL REDUCTION PARKING METER FUND	\$541,578
GRAND TOTAL	\$13,757,224

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

PROPOSAL NO. 621, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 621, 1993 on November 15, 1993. The proposal transfers and appropriates \$1,520 for the Washington Township Assessor to purchase computer software. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor McClamroch, for adoption. Proposal No. 621, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:
1 NOT VOTING: Giffin
1 NOT PRESENT: Schneider

Proposal No. 621, 1993 was retitled FISCAL ORDINANCE NO. 109, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 109, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional One Thousand Five Hundred Twenty Dollars (\$1,520) in the Property Reassessment Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that office.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (u) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Washington Township Assessor to purchase computer software.

SECTION 2. The sum of One Thousand Five Hundred Twenty Dollars (\$1,520) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	<u>\$1,520</u>
TOTAL INCREASE	\$1,520

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

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
3. Other Services and Charges	\$1,295
4. Capital Outlay	<u>225</u>
TOTAL REDUCTION	\$1,520

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

PROPOSAL NO. 624, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 624, 1993 on November 11, 1993. The proposal transfers and appropriates \$100,000 for the Department of Public Works, Solid Waste Management Division, to cover overtime salaries incurred with the 1993 Fall Leaf Program. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Jones, for adoption. Proposal No. 624, 1993 was adopted on the following roll call vote; viz:

21 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Franklin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, SerVaas, Shambaugh, Short, West, Williams
6 NAYS: Curry, Dowden, Hinkle, O'Dell, Ruhmkorff, Smith
1 NOT VOTING: Giffin
1 NOT PRESENT: Schneider

Councillor O'Dell said that he voted against this proposal because he believes the overtime expenses could be absorbed in current budgeting.

Proposal No. 624, 1993 was retitled FISCAL ORDINANCE NO. 107, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 107, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Solid Waste Management Division and reducing certain other appropriations for that Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Solid Waste Management Division to increase funding in Character 1 to cover the 1993 Fall Leaf Program by using savings and underspending in Character 3.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS	
<u>SOLID WASTE DISPOSAL DIVISION</u>	<u>SOLID WASTE DISPOSAL FUND</u>
1. Personal Services	<u>\$100,000</u>
TOTAL INCREASE	\$100,000

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

DEPARTMENT OF PUBLIC WORKS	
<u>SOLID WASTE DISPOSAL DIVISION</u>	<u>SOLID WASTE DISPOSAL FUND</u>
3. Other Services and Charges	<u>\$100,000</u>
TOTAL REDUCTION	\$100,000

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

PROPOSAL NO. 625, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 625, 1993 on November 11, 1993. The proposal amends the Code dealing with the imposition of the solid waste disposal user fee. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 625, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Schneider*

Proposal No. 625, 1993 was retitled GENERAL ORDINANCE NO. 159, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 159, 1993

A GENERAL ORDINANCE amending the section of the Code dealing with the imposition of the Solid Waste Disposal User Fee.

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

SECTION 1. Section 13-303 of the Code of Indianapolis and Marion County, Indiana, as added by G.O. No. 18, 1989, Section 1, is hereby amended by inserting the language underlined and deleting the language stricken-through to read as follows:

Sec. 13-303. User Fee Schedule.

(a) The following ~~scheduled~~ shall be in effect from October 1, 1989 ~~through December 31, 1993~~. The solid waste disposal user fee shall be billed semiannually. The owner of each unit shall pay a solid waste disposal user fee of sixteen dollars (\$16.00) semiannually, amounting to thirty-two dollars (\$32.00) per year. In addition to the user fee, a one-time administrative charge of three dollars (\$3.00) per unit shall be assessed against all owners to defray administrative costs. The administrative charge shall be payable with the initial installment.

(b) (1) The initial installment shall be billed by the department of public works prior to the provision of collection services on January 1, 1990.

(2) The initial installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. The initial installment shall become delinquent if not paid in full within thirty (30) days of the billing date.

(3) Delinquent bills are subject to a ten percent (10%) penalty of the amount of the delinquent user fees, including the one-time administrative charge. All bills which become delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with IC 36-3-7-5.

(4) The department shall certify such delinquent user fees on or before February 28, 1990, unless otherwise agreed by the auditor and the department to the auditor. The treasurer shall collect such delinquent user fees in the same manner as property taxes are collected.

(c) The second and subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by IC 36-9-31-8(c). On or before February 28 of the year the user fees are due, unless otherwise agreed by the auditor and the department, the department shall certify such current user fees to the auditor. The treasurer shall collect such current user fees in the same manner as property taxes are collected.

(d) (1) Whenever a unit does not appear on the assessment rolls, whether due to new construction or to error, and such unit has either been connected to the sanitary sewer system or has begun generating residential solid waste, whichever occurs first, the owner of such unit shall be subject to the imposition of the solid waste disposal user fee.

(2) Until the department certifies the user fees to the auditor as provided below in subsection (d)(7), the department shall bill the owner of such property.

(3) The one-time administrative charge described above in subsection (a) shall not apply to owners under this subsection (d).

(4) The department shall bill such owners for semiannual installments of the user fee according to the following ~~schedule~~ example:

User Fee Payable

For Service Provided

May 1990
November 1990
May 1991
November 1991
May 1992

July 1990 through December 1990
January 1991 through June 1991
July 1991 through December 1991
January 1992 through June 1992
July 1992 through December 1992

November 1992
May 1993
November 1993

January 1993 through June 1993
July 1993 through December 1993
January 1994 through June 1994

For units receiving service for part of a billing cycle, the department shall prorate the user fee on a monthly basis. Such billing shall reflect the current user fee as well as any amount due for past service provided but unbilled in previous billing cycles due to new construction or erroneous omission of units.

- (5) Each installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. Each installment shall become delinquent if not paid in full within seventeen (17) days of the billing date.
- (6) Each delinquent installment is subject to a ten percent (10%) penalty on the amount of delinquent user fees. Each installment which becomes delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with IC 36-3-7-5.
- (7) On or before February 28 each year, the department shall certify the current user fees and the delinquent user fees, if any, attributable to the owner of newly constructed or erroneously omitted units, to the auditor. The treasurer shall collect such current and delinquent user fees in the same manner as property taxes are collected. All subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by IC 36-9-31-8(c).

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

PROPOSAL NO. 627, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 627, 1993 on November 11, 1993. The proposal amends the Code by increasing air pollution control construction permit and operating permit fees for 1994. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption.

The President passed the gavel to Councillor West.

The President asked how much revenue will be realized from these permit fees. Sue Michael, Contract Regulatory Analyst, Air Pollution Control Section, replied that these fees are based on regulating the sources, they are not emission-based fees. The total air pollution control budget for 1994 is approximately \$1.8 million, and approximately \$1.4 million will be revenue from permit fees.

The President asked how many pollutants are tested. Rick Martin, Engineer and Planning Manager, Air Pollution Control Section, stated that there are now 95 criteria pollutants that are regulated under the Clean Air Act. The President asked if there is a charge for a trace pollutant and what is considered a trace pollutant. Mr. Martin replied that there are permits for different levels. It depends on the type of pollutant as to the level.

The President asked how the plants in surrounding counties are regulated for pollutants. Mr. Martin replied that the Indiana Department of Environmental Management regulates all the surrounding counties.

Councillor West passed the gavel back to the President.

Councillor Gilmer asked how often plants are checked for pollutants. Mr. Martin replied that inspectors drive by plants daily and if they see a problem, they stop and find out what the problem is. There are also annual inspections conducted by engineers and inspectors.

Proposal No. 627, 1993 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams
2 NAYS: O'Dell, Smith
2 NOT VOTING: Brents, Giffin
1 NOT PRESENT: Schneider

Proposal No. 627, 1993 was retitled GENERAL ORDINANCE NO. 160, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 160, 1993

A GENERAL ORDINANCE amending Chapter 4 of the Code dealing with air pollution control to increase for calendar year 1994 the permit fees charged by the Air Pollution Control Section of the Environmental Resources Management Division of the Department of Public Works to levels necessary to continue the process of developing and administering for Marion County the operating permit program required by Title V of the federal Clean Air Act of 1990.

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

SECTION 1. Sections 4-52, 4-53, 4-54 and 4-55 of the Code of Indianapolis and Marion County, Indiana, are hereby amended by inserting the language underscored and deleting the language cross-hatched as follows:

Sec. 4-52. Permit fees.

(a) *Purpose.* This section 4-52 establishes permit fees due to the division in calendar year ~~1994~~ 1993 ~~to~~ at levels necessary to ~~begin~~ continue the process of developing and administering for Marion County the permit ~~program requirements required by Title V of the federal~~ operating permit program. This section 4-52 and section 4-54 also establish all other types of permit fees due to the division.

(b) *Application fees.* The division shall collect a ~~non-refundable~~ an application fee of one hundred dollars (\$100.00) whenever a person submits an application to:

- (1) Obtain a construction permit;
- (2) Obtain an operating permit;
- (3) Obtain an asbestos abatement permit;
- (4) Obtain an emission credit permit;
- (5) Change the name of the permittee on a permit issued by the administrator;
- (6) Transfer a permit to a new owner of the air contaminant emitter subject to a permit;
- (7) The application fee for (1) through (6) above is waived if:
 - a. A permittee has already obtained a construction permit, and is submitting an application for an initial operating permit;
 - b. A permittee is renewing an operating permit;

- c. A permittee is renewing an asbestos abatement permit;
 - d. A permittee is renewing an emission credit permit.
 - e. A permittee has already obtained an operating permit and is submitting an application for an initial Title V operating permit.
- (8) If a permittee is applying simultaneously for permits for several facilities at the same source, the permittee shall pay a single application fee.
- (c) *Construction permits.* The division shall collect a fee for reviewing plans and issuing a construction permit.
- (1) Base fees.
- a. The fee for each facility with potential emissions of any one (1) pollutant less than ten (10) tons per year shall be ~~three~~ eight hundred dollars (~~\$300.00~~ \$800.00).
 - b. The fee for each facility with potential emissions of any one (1) pollutant of ten (10) tons per year or greater but less than twenty (20) tons per year shall be ~~five~~ twelve hundred dollars (~~\$500.00~~ \$1,200.00).
 - c. The fee for each facility with potential emissions for any one (1) pollutant of twenty (20) tons per year or greater, but less than twenty-five (25) tons per year shall be one thousand eight hundred dollars (~~\$1,000.00~~ \$1,800.00).
 - d. The fee for each facility with potential emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year shall be ~~three~~ four thousand five hundred dollars (~~\$3,000.00~~ \$4,500.00).
 - e. The fee for each facility with potential emissions of any one (1) pollutant of ~~greater than one~~ hundred (100) tons per year or greater shall be ~~five~~ six thousand five hundred dollars (~~\$5,000.00~~ \$6,500.00).
- (2) In addition to fees collected under paragraph (1) above, the division shall collect all applicable fees specified in a. through ~~d~~ g. below.
- a. The fee for each review involving a facility or facilities subject to federal, state, or local new source performance standards shall be ~~two~~ five hundred dollars (~~\$200.00~~ \$500.00) per standard.
 - b. The fee for each review involving a facility or facilities subject to federal, state, and local national emission standards for hazardous air pollutants shall be ~~two~~ five hundred dollars (~~\$200.00~~ \$500.00) per pollutant.
 - c. The fee for each public notice required as a part of a construction permit review shall be ~~four~~ three hundred dollars (~~\$400.00~~ \$300.00).
 - d. The fee for each facility subject to best available control technology (BACT) ~~or~~ , maximum achievable control technology (MACT) or lowest achievable emission rate (LAER) shall be ~~two~~ three thousand dollars (~~\$2,000.00~~ \$3,000.00) per pollutant for each applicable pollutant.
 - e. The fee for each facility subject to generally achievable control technology (GACT) shall be one thousand dollars (\$1,000.00) per pollutant for each applicable pollutant.
 - ef. The fee for each facility subject to modeling analysis shall be ~~three~~ four thousand dollars (~~\$3,000.00~~ \$4,000.00) per pollutant for each applicable pollutant, except where such analysis is performed by the division, in which case the fee shall be ~~five~~ six thousand dollars (~~\$5,000.00~~ \$6,000.00) per pollutant for each applicable pollutant.
 - g. The fee for each facility which has federally enforceable permit restrictions to allow the facility to be exempt from federal Prevention of Significant Deterioration or Nonattainment New Source Review requirements shall be one thousand dollars (\$1,000.00) per permit.

(d) *Operating permits.* This part (d) shall not apply to ~~all operating permits except~~ gasoline dispensing facility operating permits, ~~and~~ portable air curtain incinerator and portable sandblasting operation operating permits, and sources which are required to pay Title V operating permit fees pursuant to section (e).

(1) Initial and annual fee. The division shall collect a fee for the initial issuance of an operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. ~~The total fee for each air contaminant emitter shall be the per facility fee specified in subpart (42) below, plus the source category fee or fees specified in subpart (23) below, if applicable. The total fee, exclusive of the source category fees in subparts (3)c and (3)d, shall not exceed three thousand three hundred dollars (\$3,300.00).~~

(24) Per facility fees.

a. The fee for each facility with allowable emissions of any one (1) pollutant less than twenty-five (25) tons per year shall be ~~one hundred fifty two hundred dollars (\$150.00 \$200.00).~~

b. The fee for each facility with allowable emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year, shall be ~~five seven~~ hundred fifty dollars (~~\$500.00~~ \$750.00).

~~c. The fee for each facility with allowable emissions of any one (1) pollutant of one hundred (100) tons per year or greater, but less than two hundred fifty (250) tons shall be nine hundred dollars (\$900.00).~~

~~d. The fee for each facility with allowable emissions of any one (1) pollutant of two hundred fifty (250) tons per year or greater shall be one thousand four hundred dollars (\$1,400.00).~~

(32) Source category fees.

~~a. The fee for each secondary lead smelter, metal foundry with a melt rate over twenty (20) tons per hour, steam electric power plant, petroleum refining operation or municipal waste combustor shall be ten thousand dollars (\$10,000.00).~~

~~b. The fee for each bulk gasoline terminal shall be ten thousand dollars (\$10,000.00). As used in this subpart "bulk gasoline terminal" shall have the meaning set forth in Board Regulation X.~~

~~c. The fee for each coke oven battery shall be ten thousand dollars (\$10,000.00). As used in this subpart "coke oven battery" shall have the meaning set forth in Board Regulation X.~~

~~d. The fee for each minor source other than those listed in a., b., or c. above shall be five hundred dollars (\$500.00).~~

~~e. The fee for each major source other than those listed in a., b., or c. above shall be two thousand dollars (\$2,000.00).~~

a. The fee for each source with actual emissions of seventy-five (75) tons per year or greater shall be one thousand two hundred dollars (\$1,200.00).

b. The fee for each source with actual emissions of twenty-five (25) tons per year or greater but less than seventy-five (75) tons per year shall be eight hundred dollars (\$800.00).

fc. The fee for each source subject to federal, state or local national emission standards for hazardous air pollutants shall be ~~one two~~ thousand dollars (~~\$1,000.00~~ \$2,000.00).

gd. The fee for each source subject to federal, state or local new source performance standards shall be ~~one two~~ thousand dollars (~~\$1,000.00~~ \$2,000.00) per standard.

(e) 1994 fees for sources required to obtain Title V operating permits.

(1) In calendar year 1994, sources which, according to 40 C.F.R. § 70.3 and applicable state and local regulations, will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, shall pay an annual fee in accordance with the highest applicable fee set forth in Table I in subsection (3) of this

section. If a source contains facilities that fit into more than one industry category, the administrator shall assess the fee from the one applicable category that most reasonably represents the cost of regulating the sources. The fees in Table 1 are per plant fees.

- (2) The following definitions apply to Table 1 in subsection (3) of this section:

Major source has the meaning set forth in 40 C.F.R. § 70.2.

Regulated air pollutant has the meaning set forth in 40 C.F.R. § 70.2.

- (3) In Table 1 below the Standard Industrial Classification Manual (1987) has been used to define categories for assessment of fees. Two digits refer to a major group, three digits refer to an industry group and four digits refer to the industry number.

TABLE 1

(1) <u>Aerospace Manufacturing</u>	<u>\$5,475</u>
<u>Major sources whose industry group number is:</u>	
<u>372 Aircraft and Parts</u>	
(2) <u>Cement Manufacturing</u>	<u>\$27,375</u>
<u>Major sources whose industry group number is:</u>	
<u>324 Cement, Hydraulic or</u>	
<u>327 Concrete, Gypsum, and Plaster Products</u>	
(3) <u>Synthetic Organic Chemicals less than 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$24,450</u>
<u>Synthetic Organic Chemicals greater than 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$49,050</u>
<u>Major sources whose industry group number is:</u>	
<u>282 Plastics Materials and Synthetic Resins, Synthetic Rubber, Rubber, Cellulosic and other Manmade Fibers, except Glass or</u>	
<u>284 Soap, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations or</u>	
<u>289 Miscellaneous Chemical Products</u>	
(4) <u>Inorganic Chemicals</u>	<u>\$11,625</u>
<u>Major sources whose industry group number is:</u>	
<u>281 Industrial Inorganic Chemicals</u>	
(5) <u>Surface Coaters except Metal Parts</u>	<u>\$13,650</u>
<u>Major sources whose primary source of air emissions is from coating surfaces and the major group number is:</u>	
<u>20 Food and Kindred Products or</u>	
<u>24 Lumber and Wood Products, except Furniture or</u>	
<u>25 Furniture and Fixtures or</u>	
<u>26 Paper and Allied Products or</u>	
<u>27 Printing, Publishing and Allied Industries or</u>	
<u>30 Rubber and Miscellaneous Plastic Products or</u>	
<u>32 Stone, Clay, Glass and Concrete Products or</u>	
<u>33 Primary Metal Industries or</u>	

<p>34 <u>Fabricated Metal Products, except Machinery and Transportation Equipment or</u> 35 <u>Industrial and Commercial Machinery and Computer Equipment or</u> 36 <u>Electronic and other Electrical Equipment and Components, except Computer Equipment or</u> 37 <u>Transportation Equipment or</u> 38 <u>Measuring, Analyzing, and Controlling Instrument; Photographic, Medical and Optical Goods; Watches and Clocks or</u> 39 <u>Miscellaneous Manufacturing Industries</u></p>	<p><u>\$11,625</u></p>
<p>(6) <u>Coaters of Metal Parts</u></p>	
<p>Major sources whose primary source of air emissions is from coating metal parts and the major group number is:</p>	
<p>33 <u>Primary Metal Industries or</u> 34 <u>Fabricated Metal Products, except Machinery and Transportation Equipment or</u> 35 <u>Industrial and Commercial Machinery and Computer Equipment or</u> 36 <u>Electronic and Other Electrical Equipment and Components, except Computer Equipment or</u> 37 <u>Transportation Equipment or</u> 38 <u>Measuring, Analyzing, and Controlling Instrument; Photographic, Medical and Optical Goods; Watches and Clocks or</u> 39 <u>Miscellaneous Manufacturing Industries</u></p>	<p><u>\$11,700</u></p>
<p>(7) <u>Manufacturing of Fiberglass Products</u></p>	
<p>Major sources whose industry group number is:</p>	
<p>222 <u>Broadwoven Fabric Mills, Manmade Fiber and Silk or</u> 329 <u>Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products</u></p>	<p><u>\$5,475</u></p>
<p>(8) <u>Degreasers</u></p>	
<p>Major sources whose primary source of air emissions is from degreasers and the major group number is:</p>	
<p>30 <u>Rubber and Miscellaneous Plastic Products or</u> 34 <u>Fabricated Metal Products, except Machinery and Transportation Equipment or</u> 37 <u>Transportation Equipment or</u> 38 <u>Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks or</u> 39 <u>Miscellaneous Manufacturing Industries or</u> 97 <u>National Security</u></p>	<p><u>\$5,475</u></p>
<p>(9) <u>Diesel Engines Test Cells</u></p>	
<p>Major sources whose industry group number is:</p>	
<p>351 <u>Engines and Turbines or</u> 362 <u>Electrical Industrial Apparatus</u></p>	<p><u>\$8,250</u></p>
<p>(10) <u>Asphalt Plants</u></p>	
<p>Major sources whose industry group number is:</p>	
<p>295 <u>Asphalt Paving and Roofing Materials</u></p>	<p><u>\$13,650</u></p>
<p>(11) <u>Motor Vehicle Manufacturing less than 500 tons per year of total actual regulated air pollutant emissions</u></p>	

Motor Vehicle Manufacturing greater than 500 tons per year
of total actual regulated air pollutant emissions \$46,650

Major sources whose industry group number is:

- 323 Glass Products, Made from Purchased Glass or
- 371 Motor Vehicles and Motor Vehicle Equipment or
- 379 Miscellaneous Transportation Equipment

(12) Electronic Manufacturing \$13,650

Major sources whose primary business is electronic
manufacturing and the industry group number is:

- 354 Metalworking Machinery and Equipment or
- 361 Electric Transmission and Distribution Equipment or
- 362 Electrical Industrial Apparatus or
- 365 Household Audio and Video Equipment, and Audio Recordings or
- 367 Electronic Components and Accessories or
- 369 Miscellaneous Electrical Machinery, Equipment, and Supplies or
- 372 Aircraft and Parts or
- 382 Laboratory Apparatus and Analytical, Optical, Measuring, and
Controlling Instruments

(13) Food Processing less than 500 tons per year of
total actual regulated air pollutant emissions \$8,250

Food Processing greater than 500 tons per year of
total actual regulated air pollutant emissions \$34,125

Major sources whose major group number is:

- 20 Food and Kindred Products

(14) Foundries/Smelters with a melt rate less than 20 tons per hour \$11,625

Foundries/Smelters with a melt rate greater than 20 tons per hour \$30,075

Major sources whose industry group number is:

- 332 Iron and Steel Foundries or
- 334 Secondary Smelting and Refining of Nonferrous Metals or
- 336 Nonferrous Foundries or
- 349 Miscellaneous Fabricated Metal Products or
- 356 General Industrial Machinery and Equipment or
- 369 Miscellaneous Electrical Machinery, Equipment and Supplies or
- 371 Motor Vehicles and Motor Vehicle Equipment

(15) Metal Furniture Manufacturing \$13,725

Major sources whose primary business is manufacturing metal furniture
and whose industry group number is:

- 355 Special Industry Machinery and Equipment, except
Metalworking Machinery or
- 371 Motor Vehicles and Motor Vehicle Equipment or
- 372 Aircraft and Parts

(16) Wood Furniture Manufacturing \$13,650

Major sources whose primary business is manufacturing wood
furniture and whose industry group number is:

	<u>243 Millwork, Veneer, Plywood, and Structural Wood Members or</u>	
	<u>249 Miscellaneous Wood Products or</u>	
	<u>251 Household Furniture or</u>	
	<u>253 Public Building and Related Furniture or</u>	
	<u>254 Partitions, Shelving, Lockers and Office and Store Fixtures or</u>	
	<u>393 Musical Instruments</u>	
<u>(17)</u>	<u>Crude Oil Storage Facilities</u>	<u>\$5,475</u>
	Major sources whose industry group number is:	
	<u>131 Crude Petroleum and Natural Gas</u>	
<u>(18)</u>	<u>Gasoline Terminals</u>	<u>\$5,475</u>
	Major sources whose industry group number is:	
	<u>291 Petroleum Refining or</u>	
	<u>517 Petroleum and Petroleum Products</u>	
<u>(19)</u>	<u>Gas Turbines</u>	<u>\$8,250</u>
	Major sources whose industry group number is:	
	<u>351 Engines and Turbines or</u>	
	<u>492 Gas Production and Distribution</u>	
<u>(20)</u>	<u>Glass Manufacturing</u>	<u>\$16,500</u>
	Major sources whose industry group number is:	
	<u>322 Glass and Glassware, Pressed or Blown</u>	
<u>(21)</u>	<u>Grain Elevators</u>	<u>\$5,475</u>
	Major sources whose industry group number is:	
	<u>204 Grain Mill Products or</u>	
	<u>515 Farm Product Raw Material</u>	
<u>(22)</u>	<u>Waste Facility</u>	<u>\$5,475</u>
	Major sources whose industry group number is:	
	<u>478 Miscellaneous Services Incidental to Transportation</u>	
<u>(23)</u>	<u>Municipal Solid Waste Incinerator</u>	<u>\$38,550</u>
	Major sources as defined in Section 129(g) of the Clean Air Act of 1990	
<u>(24)</u>	<u>Lead Smelter</u>	<u>\$30,075</u>
	Major sources whose industry group number is:	
	<u>334 Secondary Smelting and Refining of Nonferrous Metals</u>	
<u>(25)</u>	<u>Industrial Boilers less than 250 tons per year of total actual regulated air pollutant emissions</u>	<u>\$8,250</u>
	<u>Industrial Boilers 250 to 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$16,500</u>

	<u>Industrial Boilers greater than 500 tons per year of total regulated air pollutant emissions</u>	<u>\$19,275</u>
	<u>Major sources not elsewhere classified and whose primary emissions are from steam generating boilers from a wide range of industrial classifications including, but not limited to; hospitals, colleges, universities and correctional institutions.</u>	
(26)	<u>Metal Parts Manufacturing</u>	<u>\$6,825</u>
	<u>Major sources whose primary business is manufacturing metal parts and whose major group number is:</u>	
	<u>25 Furniture and Fixtures or</u>	
	<u>33 Primary Metal Industries or</u>	
	<u>34 Fabricated Metal Products, except Machinery and Transportation Equipment or</u>	
	<u>35 Industrial and Commercial Machinery and Computer Equipment or</u>	
	<u>36 Electronic and Other Electrical Equipment and Components, except Computer Equipment or</u>	
	<u>37 Transportation Equipment</u>	
(27)	<u>Coal Mines</u>	<u>\$7,500</u>
	<u>Major sources whose industry group number is:</u>	
	<u>122 Bituminous Coal and Lignite Mining</u>	
(28)	<u>Coal Handling</u>	<u>\$8,250</u>
	<u>Major sources whose industry group number is:</u>	
	<u>124 Coal Mining Services</u>	
(29)	<u>Quarries</u>	<u>\$5,475</u>
	<u>Major sources whose industry group number is:</u>	
	<u>141 Dimension Stone or</u>	
	<u>142 Crushed and Broken Stone, Including Riprap or</u>	
	<u>328 Cut Stone and Stone Products or</u>	
	<u>329 Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products</u>	
(30)	<u>Paint Manufacturing</u>	<u>\$5,475</u>
	<u>Major sources whose industry group number is:</u>	
	<u>285 Paints, Varnishes, Lacquers, Enamels, and Allied Products</u>	
(31)	<u>Pharmaceuticals less than 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$13,650</u>
	<u>Pharmaceuticals greater than 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$49,050</u>
	<u>Major sources whose industry group number is:</u>	
	<u>283 Drugs</u>	
(32)	<u>Plastics Manufacturing less than 250 tons per year of total actual regulated air pollutant emissions</u>	<u>\$13,650</u>

	<u>Plastics Manufacturing 250 to 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$29,325</u>
	<u>Plastics Manufacturing greater than 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$43,725</u>
	<u>Major sources whose primary source of air emissions is from plastics manufacturing and whose industry group number is:</u>	
	308 <u>Miscellaneous Plastics Products or</u>	
	364 <u>Electric Lighting and Wiring Equipment or</u>	
	371 <u>Motor Vehicles and Motor Vehicle Equipment or</u>	
	373 <u>Ship and Boat Building and Repairing or</u>	
	379 <u>Miscellaneous Transportation Equipment</u>	
(33)	<u>Rubber Parts Manufacturing</u>	<u>\$6,825</u>
	<u>Major sources whose industry group number is:</u>	
	310 <u>Tires and Inner Tubes or</u>	
	306 <u>Fabricated Rubber Products, not elsewhere classified or</u>	
	371 <u>Motor Vehicles and Motor Vehicle Equipment</u>	
(34)	<u>Polyurethane Foam Production</u>	<u>\$6,825</u>
	<u>Major sources whose industry group number is:</u>	
	282 <u>Plastics Material and Synthetic Resins, Synthetic Rubber, Cellulosic and other Manmade Fibers, except Glass or</u>	
	308 <u>Miscellaneous Plastics Products</u>	
(35)	<u>Pulp Paper</u>	<u>\$16,500</u>
	<u>Major sources whose industry group number is:</u>	
	262 <u>Paper Mills or</u>	
	265 <u>Paperboard Containers and Boxes or</u>	
	267 <u>Converted Paper and Paperboard Products, except Containers and Boxes</u>	
(36)	<u>Refineries 20,000 to 50,000 bbl/day</u>	<u>\$16,500</u>
	<u>Refineries greater than 50,000 bbl/day</u>	<u>\$71,400</u>
	<u>Major sources whose industry group number is:</u>	
	291 <u>Petroleum Refining or</u>	
	517 <u>Petroleum and Petroleum Products</u>	
(37)	<u>Utilities less than 65 MW</u>	<u>\$12,300</u>
	<u>Utilities greater than 65 MW</u>	<u>\$35,700</u>
	<u>Major sources whose industry group number is:</u>	
	491 <u>Electric Services</u>	
(38)	<u>Rotogravure/Flexographic Printing</u>	<u>\$16,500</u>
	<u>Major sources whose primary source of air emissions is from printing and whose industry group number is:</u>	
	265 <u>Paperboard Containers and Boxes or</u>	
	267 <u>Converted Paper and Paperboard Products, except Containers and Boxes or</u>	

	<u>275 Commercial Printing</u>	
<u>(39)</u>	<u>Primary Aluminum Production</u>	<u>\$69,825</u>
	<u>Major sources, not including industrial boilers, whose industry group number is:</u>	
	<u>333 Primary Smelting and Refining of Nonferrous Metals</u>	
<u>(40)</u>	<u>Steel Production less than 2,000,000 tons per year capacity</u>	<u>\$49,425</u>
	<u>Steel Production greater than 2,000,000 tons per year capacity</u>	<u>\$138,525</u>
	<u>Major sources that produce steel by Open Hearth, Basic Oxygen Furnace, Basic Oxygen Process, or Electric Arc Furnace, whose industry group number is:</u>	
	<u>331 Steel Works, Blast Furnaces, and Rolling and Finishing Mills</u>	
	<u>Sources which operate coke ovens must pay additional fees according to subdivision (42).</u>	
<u>(41)</u>	<u>Wood Products</u>	<u>\$16,500</u>
	<u>Major sources whose industry group number is:</u>	
	<u>243 Millwork, Veneer, Plywood, and Structural Wood Members or</u>	
	<u>254 Partitions, Shelving, Lockers, and Office and Store Fixtures</u>	
<u>(42)</u>	<u>Coke Oven Battery</u>	<u>\$29,550</u>
	<u>Major sources whose industry number is:</u>	
<u>4925</u>	<u>Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Distribution. In addition to the above fee each coke oven battery shall pay the actual cost incurred in performing inspections required by 40 C.F.R. §63, Subpart L. As used in this subpart "Coke Oven Battery" shall have the meaning set forth in Board Regulation X.</u>	
<u>(43)</u>	<u>Hazardous Air Pollutants</u>	<u>\$3,300</u>
	<u>Major sources that are only major due to hazardous air pollutants listed in Section 112(b) of the Clean Air Act of 1990.</u>	
<u>(44)</u>	<u>Not Elsewhere Classified 100 to 250 tons per year of total actual regulated air pollutant emissions</u>	<u>\$8,250</u>
	<u>Not Elsewhere Classified 250 to 500 tons per year of total actual regulated air pollutant emissions</u>	<u>\$11,625</u>
	<u>Not Elsewhere Classified 500 to 1000 tons per year of total actual regulated air pollutant emissions</u>	<u>\$21,900</u>
	<u>Not Elsewhere Classified greater than 1000 tons per year of total actual regulated air pollutant emissions</u>	<u>\$32,100</u>
	<u>Major sources which are not classified in subdivisions (1) through (43) above are subject to the fees in this subdivision.</u>	

END OF TABLE I

- (4) During calendar year 1994, a source which, according to 40 C.F.R § 70.3 and applicable state and local regulations will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, but

notifies the administrator in writing of the intent to opt out of the requirement to obtain a Title V operating permit by accepting in a federally enforceable state or local operating permit physical or operational limits on the source's capacity to emit air pollutants, and reasonably demonstrates to the administrator the ability to so opt out, is not subject to the fee schedule set forth in Table 1 of section (e)(3) and instead is subject to the fee schedule set forth in section (d). The board shall adopt regulations establishing procedures for obtaining a federally enforceable operating permit from the division. An application fee of three thousand five hundred dollars (\$3,500.00) and an annual administrative fee of one thousand five hundred dollars (\$1,500.00) shall be due to the division as set forth in such regulations.

(fe) *Gasoline dispensing facility operating permits.* The division shall collect a fee for the initial issuance of a gasoline dispensing facility operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. As used in this subpart "gasoline dispensing facility" shall have the meaning set forth in Board Regulation IV-3.3.

- (1) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant less than twenty-five (25) tons per year shall be fifty dollars (\$50.00).
- (2) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant of twenty-five (25) tons or greater per year shall be two hundred dollars (\$200.00).

(gf) *Portable air curtain incinerator and portable sandblasting operation operating permits.* The division shall collect a fee for the initial issuance of a portable air curtain incinerator or portable sandblasting operation operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The fee for each air curtain incinerator or portable sandblasting operation shall be two hundred fifty dollars (\$250.00).

(hg) *Fire training facility permit.* The division shall collect an annual fee of fifty dollars (\$50.00) for each fire training facility permitted pursuant to this chapter.

(ih) *Emission credit permits.* The division shall collect a fee of two hundred dollars (\$200.00) for the initial issuance of an emission credit permit and an annual administrative fee for each succeeding year of two hundred dollars (\$200.00) for the maintenance of an emission credit permit.

(ji) *Asbestos abatement permits.* The division shall collect a fee of four hundred fifty dollars (\$450.00) for the initial issuance of an asbestos abatement permit and an annual administrative fee for each succeeding year of four hundred fifty dollars (\$450.00) for the maintenance and renewal of an asbestos abatement permit.

Sec. 4-53. Permit fees ~~Payment due; waivers and unpaid fees.~~

(a) *Payment due.* Application fees shall be paid at the time the application is submitted. Fees for construction permits or the initial issuance of an operating permit, emission credit permit or asbestos abatement permit shall be paid before the administrator issues the permit. Annual administrative fees shall be paid by January 31 of each year for all air contaminant emitters which have operating permits as of January 1 of each year. ~~Notwithstanding the previous sentence, in calendar year 1993, annual administrative fees shall be paid by March 31, 1993 for all air contaminant emitters which have operating permits as of January 1, 1993.~~

~~(b) All permit fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.~~

~~(c) If a permit applicant or holder of a permit appears before the board and demonstrates that payment of applicable permit fees will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board.~~

~~(d) All permit fees established pursuant to this chapter and its regulations shall constitute a debt due to the consolidated city of Indianapolis and Marion County. Failure to pay permit fees when due is a violation of this chapter and its regulations for which the division may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay permit fees as required in this chapter.~~

Sec. 4-54. Testing and monitoring fees; amount; payment due.

- (a) *Fees.* The division shall collect a fee for reviewing testing and monitoring data and results.
- (1) The fee for each stack test conducted for the purpose of demonstrating compliance with this chapter, any regulation adopted by the Board or any permit issued by the division shall be seven hundred dollars (\$700.00).
 - (2) The fee for continuous emission monitor(s) required by this chapter, any regulation adopted by the Board or any permit issued by the division shall be two hundred dollars (\$200.00) per facility.
 - (3) The fee for air quality monitoring network(s) required by this chapter, any regulation adopted by the Board or any permit issued by the division shall be one thousand four hundred dollars (\$1,400.00) per source.

(b) *Payment due.* Stack test fees shall be paid upon submission of stack results to the division. Continuous emission monitor fees and air quality monitoring network fees shall be paid by January 31 of each year.

~~(c) All testing and monitoring fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.~~

~~(d) If a person appears before the board and demonstrates that payment of applicable testing and monitoring fees will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board.~~

~~(e) All testing and monitoring fees established pursuant to this chapter and its regulations shall constitute a debt due to the consolidated city of Indianapolis and Marion County. Failure to pay testing and monitoring fees when due is a violation of this chapter and its regulations for which the division may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation council may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay testing and monitoring fees as required by this chapter.~~

Sec. 4-55. Air Pollution Control Program Fund.

(a) Effective in fiscal year 1993, there is hereby created a special fund to be designated as the "air pollution control program fund", in the division of finance, under the controller.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner, to any other uses than developing and administering the operating permit program requirements of Title V of the federal Clean Air Act of 1990, performing ambient air quality monitoring, evaluating compliance with requirements of this Chapter, any regulation adopted by the Board or any permit issued by the division and other uses related to prevention, abatement and control of air pollution as authorized by this Chapter.

(c) The fund shall include be created by transfer of four one hundred fifty-seven thousand seven hundred dollars (\$400,000.00 \$157,700.00) from consolidated county in calendar year 1993 1994, by deposit of all permit fees and testing and monitoring fees, including any penalties and interest thereon, required to be collected by the division by section 4-52 and section 4-54, deposit of any grants from state or federal governmental agencies, any gifts and donations intended for the fund and deposit of monies recovered, exclusive of court costs, from enforcement actions brought pursuant to Article VI of this Chapter.

(d) The division shall provide a separate accounting for those permit fees in the fund required to be collected by the division by Title V of the Clean Air Act of 1990. (Title V operating permit program fees). The accounting shall be sufficient to demonstrate that such permit fees are being used solely to cover the reasonable, direct and indirect costs of the Title V operating permit program. Such costs may include, but are not limited to the following activities:

- (1) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;
- (2) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal;
- (3) General administrative costs of running the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;
- (4) Implementing and enforcing the terms of any permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;
- (5) Emissions and ambient monitoring;
- (6) Modeling analyses, or demonstrations;
- (7) Preparing inventories and tracking emissions; and
- (8) Providing direct and indirect support to sources under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program as required by section 507 of the Clean Air Act of 1990.

(de) Monies from this reserve fund shall be appropriated in accordance with the procedures for expenditure of public funds.

SECTION 2. The Code of Indianapolis and Marion County, Indiana is hereby amended by adding new Section 4-56 as follows:

Sec. 4-56. Fees payable to Controller; non refundable; waiver; unpaid fees.

(a) All fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.

(b) All fees established pursuant to this chapter are non refundable. If the permit is denied or revoked or the plant or facility is shut down, the fees shall neither be refunded nor applied to any subsequent application or reapplication. Fees paid annually may be pro rated by the division on a monthly basis.

(c) If a permit applicant or holder of a permit appears before the board and demonstrates that payment of applicable fees established by this chapter will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board. The board may reduce any fee required to be paid to the division in connection with an operating permit required by Title V of the Clean Air Act of 1990 to take into account the financial resources of small business stationary sources as defined in Section 507(c) of that act.

(d) All fees established pursuant to this chapter and its regulations shall constitute a debt due to the Consolidated City of Indianapolis and Marion County. Failure to pay fees when due is a violation of this chapter and its regulations for which the division may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay fees as required in this chapter.

SECTION 3. Section 4-11 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underscored and deleting the language cross-hatched as follows:

Sec. 4-11. Definitions.

As used in this chapter and its regulations, the following terms shall have the meanings ascribed to them:

Actual emissions means the emissions which occurred over a specified period of time based upon emission monitoring, stack testing, emission factors, or other measures acceptable to the administrator.

Administrator means the assistant administrator of the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County or other designee of the director of the department of public works.

Air contaminant means any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution. Air contaminant shall include "regulated air pollutant" as defined in 40 C.F.R. § 70.2.

Air contaminant emitter means any vehicle, process, facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated.

Air pollution means the presence or threatened discharge, from whatever source, of solid, semisolid, liquid or gaseous matter, or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

- (1) Injures or threatens to injure human, plant or animal life; or
- (2) Damages or threatens to damage property; or
- (3) Unreasonably interferes with the comfortable enjoyment of life and property.

Allowable emissions means the emissions rate calculated using the following factors:

- (1) The maximum rated capacity;
- (2) Year-round operation (8,760 hours per year); and
- (3) The most stringent emission limit applicable under federal, state or local air pollution control laws.

Allowable emissions may be limited further if the facility or source is subject to enforceable permit conditions that limit the operating rate, hours of operation or emission rate.

Ambient air means any outside air.

Asbestos abatement permit means the written authorization that allows a person to remove asbestos materials and conduct asbestos abatement projects.

Board means the Indianapolis Air Pollution Control Board.

Clean Air Act of 1990 means the Federal Clean Air Act (42 U.S.C. 7401 et seq.) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

Construction permit means the written authorization that allows a person to construct, reconstruct or modify an air contaminant emitter.

Division means the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County.

Effective date means the date on which an action takes effect. For permits issued pursuant to Article V of this chapter, the effective date is fifteen (15) days after the administrator signs and issues the permit. For all other actions, the effective date is when the person subject to the action receives written notice of the action.

Emission credit permit means the written authorization that allows a person to claim credit for emissions not released to the ambient air.

Facility means any one (1) structure, piece of equipment, installation operation that emits or is capable of emitting an air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for purposes of this chapter and its regulations.

~~Major source means a source with an emission rate of any one (1) air contaminant of at least one hundred (100) tons per year. Such emission rate shall be calculated using maximum operating capacity, year-round~~

~~operation (8,760 hours per year, unless restricted by enforceable permit conditions) and the application of air pollution control equipment.~~

~~Minor source means a source with an emission rate of any one (1) air contaminant of at least twenty five (25) tons per year, but less than one hundred (100) tons per year. Such emission rate shall be calculated using maximum operating capacity, year-round operation (8,760 hours per year, unless restricted by enforceable permit conditions) and the application of air pollution control equipment.~~

Open burning or open fire means any burning of combustible matter where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

Operating permit means the written authorization that allows a person to operate an air contaminant emitter.

Person means any individual, proprietorship, partnership, firm, company, corporation, association, joint venture, trustee, estate, political or governmental unit or any other legal entity.

Potential emissions means the emission rate calculated using the following factors:

- (1) The maximum rated capacity;
- (2) The actual hours of operation; and
- (3) Operation without air pollution control equipment, unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to normal operation.

Process means any action, operation or treatment that emits or is capable of emitting an air contaminant.

Regulation means the whole or any part of a board statement of general applicability that:

- (1) Has or is designed to have the effect of law; and
- (2) Implements, interprets or prescribes:
 - a. Law or policy; or
 - b. The organization, procedure or practice requirements of the board or division.

Source means one (1) or an aggregation of processes or facilities that are located on one (1) or more contiguous or adjacent properties and are owned or operated by the same person, or by persons under common control.

Title V operating permit means the operating permit required by Title V of the Clean Air Act of 1990.

Wood products means dry materials consisting of vegetation or wood which does not contain any other substance.

40 C.F.R. §70 shall mean 40 C.F.R. §70 as published in 57 Fed. Reg. 32,395 (July 21, 1992).

SECTION 4. (a) The expressed or implied repeal or amendment by this ordinance or any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 5. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 628, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 628, 1993 on November 17, 1993. The proposal transfers and appropriates \$187,175 for the Department of Transportation, Operations Division, to cover the bids won by the Maintenance Division plus the remaining balance in the Opportunity Account. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Moriarty, for adoption. Proposal No. 628, 1993 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Giffin, Golc, Ruhmkorff*

1 NOT PRESENT: *Schneider*

Proposal No. 628, 1993 was retitled FISCAL ORDINANCE NO. 108, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 108, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional One Hundred Eighty-seven Thousand One Hundred Seventy-five Dollars (\$187,175) in the Transportation General Fund for purposes of the Department of Transportation, Operations Division and reducing certain other appropriations from the Finance & Administration Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Transportation, Operations Division to be paid for services rendered in accordance with final bid they have won, plus the remaining residual balance of the Opportunity Account.

SECTION 2. The sum of One Hundred Eighty-seven Thousand One Hundred Seventy-five Dollars (\$187,175) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF TRANSPORTATION</u>	
<u>OPERATIONS DIVISION</u>	
1. Personal Services	<u>\$187,175</u>
TOTAL INCREASE	\$187,175

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

<u>DEPARTMENT OF TRANSPORTATION</u>	
<u>FINANCE AND ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	<u>\$187,175</u>
TOTAL REDUCTION	\$187,175

SECTION 5. This ordinance shall repeal Fiscal Ordinance No. 59, 1993.

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

PROPOSAL NO. 635, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 635, 1993 on November 10, 1993. The proposal amends the Revised Code to add certain provisions respecting the Marion County Public Defender Agency. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Curry, for adoption.

Councillor Jimison asked Robert G. Elrod, General Counsel, if the Chief Public Defender's contract has been finalized. Mr. Elrod said that he presumed that it had not been finalized since it had not been brought before the Public Defender Board. Councillor Jimison said that she is concerned that there is insufficient information concerning the contract.

Councillor McClamroch moved that Proposal No. 635, 1993 be amended in Section 3 by deleting the words "and after consultation with the chairperson and secretary" and insert in lieu thereof the words "with the approval." Councillor Dowden seconded the motion, and it passed by majority voice vote.

Councillor Jimison moved that Proposal No. 635, 1993 be returned to committee so as to expedite the completion of the Chief Public Defender's contract and make certain that it is in line with the guidelines of this ordinance. Councillor Williams seconded this motion.

Councillor West said that the Chief Public Defender is to be an employee of the county and the Board will determine the salary. The Board will review the Chief Public Defender annually.

Councillor McClamroch and Dowden both voiced their opposition to send this proposal back to committee since this proposal has nothing to do with the Chief Public Defender's contract.

Councillor Jimison's motion failed by the following roll call vote; viz:

10 YEAS: Boyd, Coughenour, Golc, Gray, Jimison, Jones, Moriarty, Mullin, Short, Williams
17 NAYS: Beadling, Black, Borst, Brents, Curry, Dowden, Franklin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West
1 NOT VOTING: Giffin
1 NOT PRESENT: Schneider

Proposal No. 635, 1993 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Borst, Brènts, Coughenour, Curry, Dowden, Franklin, Gilmer, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West
9 NAYS: Black, Boyd, Golc, Gray, Hinkle, Jimison, Jones, Short, Williams
1 NOT VOTING: Giffin
1 NOT PRESENT: Schneider

Proposal No. 635, 1993 was retitled GENERAL ORDINANCE NO. 151, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 161, 1993

A GENERAL ORDINANCE amending the Revised Code to add certain provisions respecting the Marion County Public Defender Agency.

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

SECTION 1. Chapter 286-3(i) of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 286-3. Public Defender Board membership and appointment.

(i) The Board shall elect its chairperson and secretary by a majority vote of the Board ~~at its first organizational meeting and~~ at the first meeting of the board in each calendar year ~~thereafter~~.

SECTION 2. Chapter 286-4(4) of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 286-4. Powers and duties of the Board.

- (4) To employ a chief public defender subject to annual confirmation, after January 1, 1995, by the City-County Council, to serve as the chief administrative officer. Such person ~~who~~ shall be an attorney admitted to the practice of law in the state of Indiana ~~to serve as the chief administrative officer having and shall have~~ at least two (2) years experience in criminal defense. If the name of the incumbent chief public defender is submitted for reconfirmation it shall be submitted before January 30 of the year for which reconfirmation is sought. If the office is vacant or the incumbent is not proposed for reconfirmation, the replacement shall be submitted within forty-five (45) days of the occurrence of the vacancy or the end of the incumbent's term. The board may appoint an acting chief public defender to act during any vacancy or disability of the incumbent, which appointment shall expire upon the earlier of the confirmation of a successor or ninety (90) days after the appointment of the acting chief public defender.

SECTION 3. Chapter 286-5(5) of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 286-5. Chief public defender.

- (5) hire without consideration of political affiliation, with the approval of the board, staff necessary to perform the services of the agency and supervise and discipline such staff.

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

SPECIAL SERVICE DISTRICT COUNCILS

A quorum being present, the President called the Police Special Service District Council and the Fire Special Service District Council to order at 10:24 p.m.

SPECIAL ORDERS - PUBLIC HEARING POLICE SPECIAL SERVICE DISTRICT

PROPOSAL NO. 445, 1993. The proposal appropriates \$100,000 for the Department of Public Safety, Police Division, to cover demolition and additional site work expenses for the Indianapolis Police Division North District Project. Councillor Dowden asked for consent to postpone Proposal No. 445, 1993 until December 13, 1993. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION POLICE SPECIAL SERVICE DISTRICT

PROPOSAL NO. 618, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 618, 1993 on November 15, 1993. The proposal approves reductions in proposed expenditures since the adoption of the 1993 Police Special Service

District Annual Budget in the amount of \$1,454,727. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Jimison, for adoption. Proposal No. 618, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Schneider*

Proposal No. 618, 1993 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1993 and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1993

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1993 (Police Special Service District Fiscal Ordinance No. 1, 1992) by reducing appropriations by One Million Four Hundred Fifty-four Thousand Seven Hundred Twenty-seven Dollars (\$1,454,727) in the Police Service District Fund and the Police Pension Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Sections 1 and 2 of the Police Special Service District Annual Budget for 1993, be and is hereby amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

DEPARTMENT OF PUBLIC SAFETY	POLICE SPECIAL SERVICE DISTRICT
<u>POLICE DIVISION</u>	<u>POLICE SERVICE DISTRICT FUND</u>
2. Supplies	\$193,529
3. Other Services and Charges	369,500
4. Capital Outlay	<u>191,698</u>
TOTAL REDUCTION	\$754,727
DEPARTMENT OF PUBLIC SAFETY	
<u>POLICE DIVISION</u>	<u>POLICE PENSION FUND</u>
I. Personal Services	<u>\$700,000</u>
TOTAL REDUCTION	\$700,000
GRAND TOTAL	\$1,454,727

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

FIRE SPECIAL SERVICE DISTRICT

PROPOSAL NO. 619, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 619, 1993 on November 15, 1993. The proposal approves reductions in proposed expenditures since the adoption of the 1993 Fire Special Service District Annual Budget in the amount of \$1 million. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 619, 1993 was adopted on the following roll call vote; viz:

24 YEAS: *Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

1 NAY: *Golc*

3 NOT VOTING: *Brents, Giffin, Gray*

1 NOT PRESENT: *Schneider*

Proposal No. 619, 1993 was retitled FIRE SPECIAL SERVICE DISTRICT NO. 4, 1993 and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1993

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Annual Budget for 1993 (Fire Special Service District Fiscal Ordinance No. I, 1992) by reducing appropriations by One Million Dollars (\$1,000,000) in the Fire Pension Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 2 of the Fire Special Service District Annual Budget for 1993, be and is hereby amended by the reductions hereinafter stated.

SECTION 2. The following appropriation is hereby reduced:

DEPARTMENT OF PUBLIC SAFETY	FIRE SPECIAL SERVICE DISTRICT
<u>FIRE DIVISION</u>	<u>FIRE PENSION FUND</u>
I. Personal Services	<u>\$1,000,000</u>
TOTAL REDUCTIONS	\$1,000,000

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

NEW BUSINESS

PROPOSAL NO. 665, 1993. The proposal amends Chapter 102 of the Revised Code concerning the Definitions. Councillor Curry stated that these are technical amendments.

Councillor Short asked why this proposal had to be heard at this meeting. Mr. Elrod explained that there are some errors in Chapter 102 and he wants to correct them before the first of the year.

The President asked for a recorded vote. Proposal No. 665, 1993 was adopted on the following roll call vote; viz:

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

3 NAYS: *Gray, Jimison, Short*

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Schneider*

Proposal No. 665, 1993 was retitled GENERAL ORDINANCE NO. 162, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 162, 1993

A GENERAL ORDINANCE amending Chapter 102 of the Revised Code concerning the Definitions.

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

SECTION 1. Sections 102-1-11 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 102-1. Application.

Unless otherwise clearly indicated by the context, the terms defined in this Chapter shall have the meanings specified whenever used in this Revised Code.

Sec. 102-~~4~~2. City.

~~The term "the cCity" or "consolidated city" shall be construed as if the words~~ means the "Consolidated City of Indianapolis, Marion County Indiana" followed it and shall extend to and include its several officers, agents and employees.

Sec. 102-~~2~~3. City-county council.

~~Whenever the term "cCity-county council" or "council" is used, it shall~~ means the city-county council of the Consolidated City of Indianapolis, and Marion County, Indiana.

Sec. 102-~~3~~4. City prosecutor.

~~The term "cCity prosecutor" shall~~ means the corporation counsel or his or her designee the person designated as such by the corporation counsel.

Sec. 102-~~4~~5. Clerk.

~~The term "cClerk" or "city clerk" shall~~ means the clerk of the city-county council.

Sec. 102-~~5~~6. Code.

~~The term "Code," "Revised Code" or "this Code" shall~~ means the Revised Code of the consolidated city and county; provided that unless clearly indicated otherwise by the context, references to "Code" shall include those provisions of the "Code of Indianapolis and of Marion County" which have not been from time to time repealed or superseded by this Code.

Sec. 102-7. Consolidated City.

"Consolidated City" means (i) The City of Indianapolis, a consolidated city existing pursuant to IC 36-3, when used to refer to the unit of local government and includes the officers, agencies and special service and special taxing districts and (ii) those portions of Marion County, Indiana as identified in Chapter III of this Code which are not within an excluded city when used to refer to the geographic area.

Sec. 102-~~6~~8. County.

~~The term "cThe county" or "this county" shall mean the County of Marion in the State of Indiana.~~

Sec. 102-9. Independent Municipal Corporation.

"Independent Municipal Corporation" means only those separate municipal corporations whose budgets are subject to review by the city-county council, specifically:

- (1) an airport authority operating under IC 8-22-3,
- (2) a health and hospital corporation operating under IC 16-22-8,
- (3) a public library operating under IC 20-14,

(4) a capital improvements board of managers operating under IC 36-10, and

(5) a public transportation corporation operating under IC 36-9-4.

Sec. 102-~~7~~10. Oath.

~~The word "Oath"~~ shall be construed to include an affirmation in all cases in which, by law, and affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Sec. 102-~~8~~11. Owner.

~~The word "Owner,"~~ applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Sec. 102-~~9~~12. Person.

~~The word "Person"~~ shall means and includes and shall be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as the individuals.

Sec. 102-~~10~~13. Personal property.

"Personal property" means and includes every species of property except real property.

Sec. 102-~~11~~14. State.

~~The term "The state" or "this state"~~ shall be construed to means the State of Indiana.

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

Councillor Beadling stated that she would like to commend the CrimeWatch of Harrison Park in Lawrence in apprehending a burglar who had broken into numerous homes.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:31 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of November, 1993.

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


President


Clerk of the Council

ATTEST:

(SEAL)