

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

**REGULAR MEETINGS  
MONDAY, JULY 17, 1995**

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 7:15 p.m. on Monday, July 17, 1995, with Councillor SerVaas presiding.

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

The President introduced Jody Tilford who has been chosen to fill the District 12 vacancy created by the resignation of Betty Ruhmkorff. Suellen Hart, Clerk of the City-County Council, swore Mr. Tilford in as Councillor of District 12.

**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, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, West, Williams*  
*1 ABSENT: Boyd*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Dowden acknowledged the presence of members of the Indianapolis Firefighters Local 416, and thanked them for the dinner that they served earlier in the evening to the Councillors and local government officials.

Councillor Black introduced Reverend Charles Williams, President of Black Expo. Councillor O'Dell recognized Lucille Smith, mother of Sheriff Jack Cotty. Councillor Williams introduced Charles Redd, a retired Fort Wayne councilmember. She also wished a speedy recovery to Councillor Rozelle Boyd. Councillor Rhodes recognized the Broad Ripple residents and business owners who were present in support of the proposal concerning skateboards in Broad Ripple.

## OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the 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 July 17, 1995 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  
President, City-County Council

June 28, 1995

TO THE HONORABLE PRESIDENT AND 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:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on Wednesday, July 5, 1995, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 369, 372, 374, 375, and 418, 1995, and a NOTICE OF PUBLIC HEARING on Proposal No. 429, 1995, to be held on Monday, July 17, 1995, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Suellen Hart  
Clerk of the City-County Council

June 30, 1995

TO THE HONORABLE PRESIDENT AND 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:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances:

GENERAL ORDINANCE NO. 93, 1995 - prohibits the use of benefit leave time by County employees prior to its accrual

GENERAL ORDINANCE NO. 95, 1995 - allows changes in salary schedules of County employees to become effective at other times than at beginning of a fiscal year

GENERAL ORDINANCE NO. 96, 1995 - amends the Revised Code concerning the Public Defender Board and Agency to conform to the comprehensive plan adopted by the Board

GENERAL ORDINANCE NO. 97, 1995 - amends the Dwelling Districts Zoning Ordinance to provide for a 3000 foot separation between group homes for the mentally ill

July 17, 1995

GENERAL ORDINANCE NO. 98, 1995 - authorizes traffic signals at Kessler Boulevard and the two 38th Street ramps (Districts 2, 9)

GENERAL ORDINANCE NO. 99, 1995 - authorizes stop signs for the Spring Oaks Subdivision - Section One (District 23)

GENERAL ORDINANCE NO. 100, 1995 - authorizes stop signs for the Village of Orchard Park subdivision (District 25)

GENERAL ORDINANCE NO. 101, 1995 - authorizes a multi-way stop at Riley Avenue and 19th Street (District 15)

GENERAL ORDINANCE NO. 102, 1995 - authorizes a multi-way stop at Anchor Bay Court, Anchor Bay Drive, and Old Stone Drive (District 5)

GENERAL ORDINANCE NO. 103, 1995 - authorizes multi-way stops at Ralston Avenue and Randall Road, and at 75th Street and Ralston Avenue (District 7)

GENERAL ORDINANCE NO. 104, 1995 - authorizes a multi-way stop at Norwaldo Avenue and 61st Street (District 7)

GENERAL ORDINANCE NO. 105, 1995 - authorizes a multi-way stop at State Avenue and Walker Avenue (District 21)

GENERAL ORDINANCE NO. 106, 1995 - authorizes a multi-way stop at Combs Road and Stop 11 Road (District 23)

GENERAL ORDINANCE NO. 107, 1995 - authorizes a multi-way stop at Hickory Road and Indian Creek Road South (District 23)

GENERAL ORDINANCE NO. 108, 1995 - prohibits parking on the southeast and northwest corners of College Avenue and 24th Street (District 22)

GENERAL ORDINANCE NO. 109, 1995 - prohibits parking on the northwest corner of 10th Street at Emerson Avenue, and on the west side of Emerson Avenue from 10th Street to 11th Street (District 15)

GENERAL ORDINANCE NO. 110, 1995 - prohibits parking on Washington Boulevard north and south of 32nd Street (Districts 6, 22)

GENERAL ORDINANCE NO. 111, 1995 - changes North Street from Canal Bridge to Senate Avenue from a one-way street to a two-way street (District 16)

FISCAL ORDINANCE NO. 60, 1995 - an appropriation of \$108,000 for the Office of Youth and Family Services to provide services for families or individuals at risk of being homeless financed by additional federal grants

FISCAL ORDINANCE NO. 61, 1995 - an appropriation of \$38,449 for the City-County Council to contract for a cable television consultant financed by a transfer of funds from the Cable Communications Agency's Consolidated County Fund

FISCAL ORDINANCE NO. 62, 1995 - an appropriation of \$880,309 to pay Community Corrections operational expenses for fiscal year 1995/1996 financed by state and federal grants

FISCAL ORDINANCE NO. 63, 1995 - an appropriation of \$77,234 for Community Corrections to fund the Juvenile Court Intensive Probation Services Program for fiscal year 1995/1996 financed by state and federal grants

FISCAL ORDINANCE NO. 64, 1995 - an appropriation of \$43,750 for Community Corrections to fund Prosecutor Newman's Project Strategic Intervention with Brothers and Sisters (Project SIBS) (formerly Project Courage) financed by state and federal grants

FISCAL ORDINANCE NO. 65, 1995 - an appropriation of \$200,000 for the Indianapolis Fleet Services to cover increased expenditures in the cost of contractual repairs for City vehicles financed by a transfer of funds within the division's Consolidated County Fund

SPECIAL RESOLUTION NO. 49, 1995 - recognizes the Ben Davis Special Olympics Volleyball Team

SPECIAL RESOLUTION NO. 50, 1995 - recognizes the Wayne Township Fire Department

SPECIAL RESOLUTION NO. 51, 1995 - recognizes Christine "Chris" Johnson

SPECIAL RESOLUTION NO. 52, 1995 - recognizes J. Lloyd Grannan

SPECIAL RESOLUTION NO. 54, 1995 - recognizes the contributions of Councillor Betty Ruhmkorff

SPECIAL RESOLUTION NO. 55, 1995 - welcomes Dr. Esperanza Zendejas to the City and into the position of Superintendent of Public Schools

SPECIAL RESOLUTION NO. 56, 1995 - amends S.R. No. 93, 1994, by extending the expiration date for Pleasant Run Children's Homes, Inc. through December 31, 1995, and changing the proposed location of the project to 2405 North Tibbs Avenue (District 16)

SPECIAL RESOLUTION NO. 57, 1995 - amends S.R. No. 54, 1994, by extending the expiration date for North American Laboratory Company and SOHL Associates through December 31, 1995 (District 9)

SPECIAL RESOLUTION NO. 58, 1995 - amends S.R. No. 84, 1990, by extending the expiration date for Meadows Revival, Inc. through December 31, 1995 (District 11)

SPECIAL RESOLUTION NO. 59, 1995 - an Inducement Resolution for Sutton Place Apartments, L.P., an Indiana limited partnership, to proceed with the acquisition, renovation and equipping of the existing 360-unit multi-family residential rental project located at 9350 East 43rd Street on approximately 35 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (District 14)

SPECIAL RESOLUTION NO. 60, 1995 - approves the disbursement of the additional \$2,814,548 of Community Development Block Grant funds appropriated June 12, 1995

GENERAL RESOLUTION NO. 2, 1995 - amends county salary schedules to increase salary ranges for County employees

GENERAL RESOLUTION NO. 3, 1995 - approves a comprehensive plan for indigent defense services in non-capital cases

Respectfully,  
s/Stephen Goldsmith, Mayor

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF JOURNALS**

The President called for additions or corrections to the Journal of June 12, 1995. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 462, 1995. The proposal, sponsored by Councillor O'Dell, concerns Indianapolis, U.S.A., and Scarborough, Canada. Councillor O'Dell asked Councillor Tilford; Mark Bowell, Executive Director, Indianapolis Parks Foundation; Andy Hohlt, President, Indianapolis/Scarborough Peace Games Executive Committee; and Mike Yoder, Chief of Staff, Mayor's Office, to join him at the podium. Councillor O'Dell read the proposal and presented copies of the document to Messrs. Bowell, Hohlt and Yoder, who thanked the Council for the resolution. Councillor Borst thanked Mr. Hohlt for his community service. Councillor O'Dell moved, seconded by Councillor Tilford, for adoption. Proposal No. 462, 1995 was adopted by a unanimous voice vote.

Proposal No. 462, 1995 was retitled SPECIAL RESOLUTION NO. 61, 1995, and reads as follows:



July 17, 1995

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 1995

A SPECIAL RESOLUTION concerning Indianapolis, U.S.A., and Scarborough, Canada.

WHEREAS, Scarborough is a city of a half million proud people adjacent to Toronto, Canada; and

WHEREAS, Scarborough is a rapidly growing center of service industries, especially in insurance and banking, has a strong presence in the pharmaceutical and electrical equipment sectors, is a major communications center and hosts a multitude of light manufacturing operations -- much like Indianapolis; and

WHEREAS, each year for over two decades large delegations of Indianapolis and Scarborough amateur athletes have paid their own way to participate in the Indianapolis-Scarborough Peace Games, and in the process fostered friendships and understanding between these two communities and nations; and

WHEREAS, apparently, as was confirmed by the Indiana Sister Cities organization, a Sister City relationship between Indianapolis and Scarborough was never officially executed; 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 many similarities between Indianapolis, U.S.A., and Scarborough, Canada, and the long-standing healthy sports relationship.

SECTION 2. The Council encourages responsible officials and interested citizens of these two great cities to forthwith explore the advantages of formalizing a Sister City relationship between Indianapolis and Scarborough.

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. 463, 1995. The proposal, sponsored by Councillors Jimison, Boyd, and Jones, recognizes the 25th anniversary of Indiana Black Expo. Councillor Jimison asked the representatives from Black Expo to join her at the podium. Councillor Jones read the proposal and presented a copy of the document to Reverend Charles Williams, President of Black Expo, who expressed appreciation for the resolution. Councillor Jimison moved, seconded by Councillor Jones, for adoption. Proposal No. 463, 1995 was adopted by a unanimous voice vote.

Proposal No. 463, 1995 was retitled SPECIAL RESOLUTION NO. 62, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 62, 1995

A SPECIAL RESOLUTION recognizing the 25th anniversary of Indiana Black Expo.

WHEREAS, Indiana Black Expo is celebrating its 25 years of service to the citizens of Indianapolis and Indiana this year; and

WHEREAS, a year long series of events mark Black Expo's Silver Anniversary including a New Year's Eve Gala, the new headquarters mortgage burning ceremony, a fashion show, a softball tournament, an active scholarship fund, Soulfest, a forthcoming video aimed at deterring young people from crime, and the supercharged 25th Anniversary Black Expo Summer Celebration 95 on July 25-30; and

WHEREAS, for ten years Indiana Black Expo in collaboration with the Indiana State Department of Health has promoted and included a Black and Minority Health Fair which has grown to be the largest of its kind in the nation; this commitment has resulted in thousands of people being screened, tested, children being immunized and lives being saved; and

WHEREAS, Black Expo's Summer Celebration 95 features local and national corporate sponsors, national speakers, professional entertainment, a jobs fair, an impressive variety of youth programs, a boxing tournament, the Music Heritage Festival and a first-rate health fair; and

WHEREAS, from modest beginnings and some lean early years, Black Expo has grown and prospered to become the undisputed national leader in expositions of this type; 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 commends Indiana Black Expo for its quarter century of service to the people of this city and state.

SECTION 2. Indianapolis is indeed fortunate to have Black Expo and other positive-minded organizations who help make this city a much more enlightened, informed, safe, inspiring, optimistic and civilized place in which to live.

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. 464, 1995. The proposal, sponsored by Councillor Mullin, concerns the Garfield Park Grove of Remembrance. Councillor Mullin read the resolution and said that it would be presented at Garfield Park when the Grove of Remembrance is being rededicated later this month. Councillor Mullin moved, seconded by Councillor Jimison, for adoption. Proposal No. 464, 1995 was adopted by a unanimous voice vote.

Proposal No. 464, 1995 was retitled SPECIAL RESOLUTION NO. 63, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 1995

A SPECIAL RESOLUTION concerning the Garfield Park Grove of Remembrance.

WHEREAS, at 11:00 a.m. on November 11, 1918, the guns on the Western Front fell silent for the first time in four years, and the time for grieving and remembering began; and

WHEREAS, the Indianapolis Board of Park Commissioners granted space in Garfield Park for a memorial grove of trees for those 387 local sons and daughters from the city and county who lost their lives during the World War; and

WHEREAS, on Sunday afternoon, October 31, 1920, thousands of Indianapolis and Marion County school children and adults met to dedicate the Grove of Remembrance for those fallen heroes; and

WHEREAS, among those being remembered were the Wempner twins who were in the same Company and killed in action on the same day, artilleryman Hilton U. Brown, Jr. who was killed only three days before the cease fire, and Flora Ruth of the Army Nurse Corps who died at Camp Pike, Arkansas; and

WHEREAS, over the years the Garfield Park Grove of Remembrance had fallen into disrepair, and at its November 11, 1991, meeting, the Indianapolis City-County Council asked the city's Department of Parks and Recreation to revive the Memorial Grove; and

WHEREAS, the city, in cooperation with local interested citizens, is now prepared to rededicate the Grove on July 29, 1995, at 11:00 a.m.; now, therefore

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

July 17, 1995

SECTION 1. The Indianapolis City-County Council commends all those who participated in any way with the Garfield Park Grove of Remembrance's restoration and rededication.

SECTION 2. May this sacred and beautiful Grove serve as a befitting testament to those who gave their all for our great nation, and as a reminder of the high price that has been paid for our freedoms today.

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. 465, 1995. The proposal, sponsored by Councillors Williams, Rhodes, and SerVaas, asks the Metropolitan Development Commission to enforce long-standing policy with respect to advertising signs inside the I-465 beltway. Councillor Williams stated that it has been public policy to keep advertising signs/billboards out of the inner loop. The Department of Metropolitan Development has determined that it wants to change that policy--not through the ordinance process, but through hearing officer hearings. This proposal does not argue the issue of billboards, all it says is that if policy is going to be changed, it should be discussed in a public forum and not in a hearing officer forum where there is very little public debate and where there is very little public notice. Councillor Williams moved, seconded by Councillor Short, for adoption. Proposal No. 465, 1995 was adopted by a unanimous voice vote.

Proposal No. 465, 1995 was retitled SPECIAL RESOLUTION NO. 64, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 1995

A SPECIAL RESOLUTION asking the Metropolitan Development Commission to enforce long standing policy with respect to advertising signs inside the I-465 beltway.

WHEREAS, I.C. 36-7-4 establishes the Metropolitan Development Commission as the single planning and zoning authority for Marion County, Indiana, and empowers the Commission to recommend to the City-County Council ordinances for the zoning or districting of all lands within the county; and

WHEREAS, In 1972, language in the sign ordinance specifically prohibited advertising on the interstates in the downtown area (G.O.#212, 1971); and

WHEREAS, in 1984, after much public input, a negotiated agreement was reached between the administration and the sign companies (known as the "Take Down Agreement") that resulted in the removal of signs within the "inner loop" and inner city area in exchange for locations on the I-465 "outer loop"; and

WHEREAS, in 1988, the sign ordinance was revised to further clarify policy regarding new advertising signs inside of I-465 on the interstate system (G.O.#48, 1988); and

WHEREAS, the aforementioned policies and practices notwithstanding, the staff has been aggressively seeking and supporting variance petitions through Hearing Officer proceedings for advertising signs on the interstate system inside the I-465 beltway (95-HOV-49 and 95-HOV-50); now, therefore:

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

SECTION I. The Indianapolis City-County Council requests that the Metropolitan Development Commission direct the staff of the Department of Metropolitan Development, the Metropolitan Boards of Zoning Appeals and the Hearing Officer of the Metropolitan Board of Zoning Appeals to abide by the Ordinance and the long-standing policy regarding advertising signs until such time as the Commission desires to re-open the matter for ordinance revision.

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

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

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 440, 1995. Introduced by Councillors McClamroch and SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dr. Philip Borst to the Capital Improvement Board of Managers"; and the President referred it to the Municipal Corporations Committee.

Councillor O'Dell moved for consent to suspend City-County Council rules to allow for the introduction of Proposal No. 441, 1995. Consent was given.

PROPOSAL NO. 441, 1995. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$15,530 for the County Sheriff to provide security at the Marion County Children's Guardian Home financed by a transfer of funds from the Children's Guardian Home's County General Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 442, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which amends the County budget to authorize direct payment of additional salaries for judges in amounts previously approved"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 443, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$294,000 for the County Sheriff, Community Corrections, and the Marion County Justice Agency to continue various programs to divert misdemeanant populations from state penal facilities financed by revenues from the County Correction Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 444, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation to reclassify fringes to salary for the Marion County Justice Agency in the amount of \$6,500 financed by a transfer of funds within the Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$767,171 for the Department of Public Works, Environmental Resources Management Division, to meet the City's obligation to the Northside Landfill Superfund and to address USEPA's concerns at the City-owned Tibbs-Banta Landfill financed from Sanitation General Fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 446, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes increased penalties for air pollution control violations"; and the President referred it to the Public Works Committee.



PROPOSAL NO. 447, 1995. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for the Marsh Access Drive with Thompson Road approximately 1,200 feet east of Emerson (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 448, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the East Avalon Hills area (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 449, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a stop sign for the Chestnut Hills subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 450, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops for the Eagle Creek North subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 451, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Arabian Run and Duffer Circle, and at Arabian Run and Kinnett Lane (Districts 2, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 452, 1995. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 14th Street and Bosart Avenue (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 453, 1995. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Kilmer Lane and Susan Drive South (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 454, 1995. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 48th Street and Park Avenue (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 455, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Rolling Ridge Road and Winding Way Lane (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 456, 1995. Introduced by Councillors Coughenour and Mullin. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at State Avenue and National Avenue (Districts 20, 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 457, 1995. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Alabama Street and St. Joseph Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 458, 1995. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Glen Coe Drive and 63rd Street (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 459, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which changes the intersection control at 86th Street and Haverstick Road from a traffic signal to stop signs (Districts 3, 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 460, 1995. Introduced by Councillor SerVaas, Rhodes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a one-way east bound on Westfield Boulevard from College Avenue to Guilford Avenue (Districts 2, 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 461, 1995. Introduced by Councillor Gilmer, Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 35 mph speed limit for 59th Street from Moller Road to Guion Road (Districts 1, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 466, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the Presiding Judge of the Municipal Courts in the amount of \$242,023 to conform to projected expenditure levels in anticipation of court unification"; and the President referred it to the Public Safety and Criminal Justice Committee.

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

Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 437, 438 and 439, 1995 on July 13, 1995.

PROPOSAL NO. 437, 1995. The proposal authorizes the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$3 million for SOHL Associates, LLC (southwest corner of 62nd Street and Guion Road (District 9)). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 437, 1995 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Williams*

*1 NOT PRESENT: Boyd*

Proposal No. 437, 1995 was retitled SPECIAL ORDINANCE NO. 7, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1995

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Variable Rate Demand Industrial Development Revenue Bonds, Series 1995 (SOHL Associates, LLC Project) in the aggregate principal amount not to exceed Three Million Dollars (\$3,000,000) (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 SOHL Associates, LLC, an Indiana limited liability company (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue revenue bonds and lend the proceeds thereof to Company to enable the Company to undertake and complete the acquisition, construction, installation and equipping a building containing approximately 50,000 square feet to be located at the southwest corner of 62nd Street and Guion Road, Indianapolis, Indiana on approximately 13 acres of land which will be used by the Company for the manufacturing of a variety of dry mix products for the healthcare and food service industries; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of 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, construction, installation and equipping of the Project by issuing its City of Indianapolis, Indiana Variable Rate Demand Industrial Development Revenue Bonds, Series 1995 (SOHL Associates, LLC Project), in the aggregate principal amount not to exceed Three Million Dollars (\$3,000,000) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on July 12, 1995 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 August 1, 1995 by and between the Issuer and PNC Bank, Indiana, Inc., as Trustee (the "Trustee"), in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of August 1, 1995, 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 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, Lease, Bond Placement Agreement, Remarketing Agreement, Preliminary Private Placement Memorandum, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and the 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 kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, 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 aggregate principal amount not to exceed Three Million Dollars (\$3,000,000) 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 which will be entered into 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 or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Private Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. 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 Private Placement Memorandum is hereby authorized to certify to National City Bank (the "Placement Agent") that the information in the Preliminary Private 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 Private Placement Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest to be determined as provided in the Indenture. The use of a Final Private Placement Memorandum in substantially the same form as the Preliminary Private Placement Memorandum approved herein is approved for use and distribution by the Placement Agent 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 Placement Agent, 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 special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 438, 1995. The proposal is an inducement resolution for Faris Avenue Limited Partnership in an amount not to exceed \$8 million to proceed with the acquisition, renovation and equipping of the existing 354 unit multi-family residential rental facility located at 6875 Faris Avenue (District 11). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption.

Councillor Moriarty Adams asked for consent to abstain from voting on Proposal Nos. 438 and 439, 1995 due to a conflict of interest. Consent was given.

Proposal No. 438, 1995 was adopted on the following roll call vote; viz:

*25 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Smith, Tilford, West*

*0 NAYS:*

*3 NOT VOTING: Moriarty Adams, Short, Williams*

*1 NOT PRESENT: Boyd*

Proposal No. 438, 1995 was retitled SPECIAL RESOLUTION NO. 65, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 1995

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

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

WHEREAS, Faris Avenue Limited Partnership, a to-be-formed Indiana limited partnership or limited liability company (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, renovation and equipping of the existing three hundred fifty-four (354) unit multi-family residential facility located at 6875 Faris Avenue, Indianapolis, Indiana on approximately 22.11 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (ten (10) jobs) plus the creation of a construction job payroll and the creation of business opportunities to be achieved by the acquisition, renovation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended or any successor section thereof in connection with the Project and the Indiana Housing Finance Authority;

WHEREAS, the acquisition, renovation and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Eight Million Dollars (\$8,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires February 28, 1996, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, renovation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (TD 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

July 17, 1995

SECTION 5. The City-County Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

PROPOSAL NO. 439, 1995. The proposal an inducement resolution for Emerald Green Housing Partners, Ltd, in an amount not to exceed \$12,875,000 to proceed with the acquisition, renovation and equipping of the existing 192 unit multi-family residential rental facility plus the construction of an additional 184 multi-family residential rental unit located at 6363 Commons Drive (District 1). By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Mullin, for adoption.

Councillor Gilmer asked how is it determined that there is a need for more low-income, subsidized housing. Councillor West stated that a consolidated plan is submitted to HUD each year by the City describing the need for this type of housing.

Proposal No. 439, 1995 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Moriarty Adams*

*1 NOT PRESENT: Boyd*

Proposal No. 439, 1995 was retitled SPECIAL RESOLUTION NO. 66, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 1995

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

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

WHEREAS, Emerald Green Housing Partners, Ltd., an Indiana limited partnership (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, renovation and equipping of the existing one hundred ninety two (192) unit multi-family residential facility plus the construction of an additional one hundred eighty-four (184) multi-family residential rental units located at 6363 Commons Drive, Indianapolis, Indiana on approximately 32 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (five (5) jobs) plus the creation of a construction job payroll and the creation of business opportunities



to be achieved by the acquisition, renovation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended or any successor section thereof in connection with the Project and the Indiana Housing Finance Authority;

WHEREAS, the acquisition, renovation and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Twelve Million Eight Hundred Seventy Five Thousand Dollars (\$12,875,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires February 28, 1996, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, renovation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond



issue to finance the Project in accordance with the Final Regulations (TD 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. The City-County Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

PROPOSAL NO. 467, 1995. . Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 13, 1995." The Council did not schedule Proposal No. 467, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 467, 1995 was retitled REZONING ORDINANCE NO. 98, 1995 and is identified as follows:

REZONING ORDINANCE NO. 98, 1995. 95-Z-70 FRANKLIN TOWNSHIP.  
COUNCILMANIC DISTRICT # 23.  
6174 CHURCHMAN AVENUE (approximate address), INDIANAPOLIS.  
SYCAMORE ASSOCIATES, INC., by Joseph M. Scimia, requests the rezoning of 53.75 acres, being in the D-A(FF) and D-4(FF) Districts, to the D-4(FF) classification to provide for a single-family residential development.

PROPOSAL NO. 468, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 13, 1995

Councillor Dowden read the following motion:

Mr. President:  
I move that Proposal No. 468, 1995 (Rezoning Case 95-Z-42 (95-DP-2)) be scheduled for a hearing before this Council at its next regular meeting on August 1, 1995 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

This motion passed by unanimous voice vote. Proposal No. 468, is identified as follows:

95-Z-42 (95-DP-2) LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT # 4.  
9602-9902 FALL CREEK ROAD (approximate address), INDIANAPOLIS,  
SCM REAL ESTATE DEVELOPMENT CO., by Thomas Michael Quinn, requests the rezoning of 304 acres, being in the D-S and D-1 Districts, to the D-P classification to provide for planned unit residential development, consisting of 421 detached single-family residential units (overall density of 1.38 units per acre) with approximately 70 acres designated as nature sanctuary.

PROPOSAL NOS. 469-476, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 13, 1995." The Council did not schedule Proposal Nos. 469-476, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 469-476, 1995 were retitled REZONING ORDINANCE NOS. 99-106, 1995 and are identified as follows:

REZONING ORDINANCE NO. 99, 1995. 95-Z-72 DECATUR TOWNSHIP. COUNCILMANIC DISTRICT # 19.  
5880 MANN ROAD (approximate address), INDIANAPOLIS.

CROSSMANN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests the rezoning of 231.30 acres, being in the D-2(FF), D-3(FF), D-6 and D-6II(FF) Districts, to the D-4(FF) classification to provide for residential development.

REZONING ORDINANCE NO. I00, 1995. 95-Z-78 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # I.  
4935 NORTH HIGH SCHOOL ROAD (approximate address), INDIANAPOLIS.  
VERN STRICKLAND and VERNON M. DOTSON request the rezoning of 5.0 acres, being in the SU-I District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. I0I, 1995. 95-Z-8I WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # I3.  
8004 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.  
TIM F. W. HANSON, by Michael J. Kias, requests the rezoning of 2.27 acres, being in the I-4-S District, to the C-3 classification to provide for commercial use.

REZONING ORDINANCE NO. I02, 1995. 95-Z-87 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # I0.  
636I EAST 34TH STREET (approximate address), INDIANAPOLIS.  
MACALLISTER REAL ESTATE CO., INC., by Philip A. Nicely, requests the rezoning of 35.748 acres, being in the D-A District, to the C-S classification to provide for heavy construction equipment sales, rental and service and other I-2-S industrial uses.

REZONING ORDINANCE NO. I03, 1995. 95-Z-90 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 20.  
2005-2025 SOUTH BARTH AVENUE (approximate address), INDIANAPOLIS.  
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests the rezoning of 0.83 acre, being in the I-3-U District, to the D-5 classification to conform zoning to the existing use of single-family residences.

REZONING ORDINANCE NO. I04, 1995. 95-Z-9I CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # I6.  
310 WEST MICHIGAN STREET (approximate address), INDIANAPOLIS.  
DEPARTMENT OF METROPOLITAN DEVELOPMENT-REAL ESTATE SERVICES DIVISION requests the rezoning of 3.3 acres, being in the I-3-U(RC) District, to the CBD-2(RC) classification to provide for mixed use residential, public/semi-public and commercial development.

REZONING ORDINANCE NO. I05, 1995. 95-Z-96 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 22.  
2503 CENTRAL AVENUE (approximate address), INDIANAPOLIS.  
OPEN DOOR OF DELIVERANCE CHURCH, by Lorine Brown Regulus, requests the rezoning of 0.5I acre, being in the C-3 District, to the SU-I classification to provide for church use.

REZONING ORDINANCE NO. I06, 1995. 95-Z-98 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 6.  
3333 NORTH MERIDIAN STREET (approximate address), INDIANAPOLIS.  
TRINITY EPISCOPAL CHURCH, by Therese Fehribach Coffey, requests the rezoning of 2.3I9 acres, being in the C-I and D-9 District, to the C-S classification to provide for the operation of a multi-service mental health facility.

Councillor Rhodes asked for consent to hear Proposal No. 265, 1995 next on the agenda. Consent was given.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 265, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 265, 1995 on April 27 and July 10, 1995. The proposal prohibits the use of skateboards in the Broad Ripple business district. The amount of traffic and business in the village makes skateboarding dangerous to residents and skaters alike. The ban applies to public rights of way, such as streets and sidewalks, not to private property. He said that the Indianapolis

Department of Parks and Recreation ("Parks") is considering a skateboard park at Major Taylor Velodrome. 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 Short, for adoption.

Councillor Gilmer asked what will be the penalty for skateboarding in Broad Ripple. Councillor Rhodes answered that the penalty will be a \$50 fine.

Councillor Beadling asked for consent for one of the skateboarders to speak. Consent was given. Brenna Bailey, 4806 Winthrop Avenue, suggested that a parking lot at Broad Ripple Park be turned into a skate park and that the Broad Ripple businesses help pay for it.

Councillor Short asked that Rick Rising-Moore, president of the Broad Ripple Village Association, present the businesses side of this issue. Mr. Rising-Moore stated the majority of skateboarders are okay, but it is a small minority that do not respect other people's properties, thrash the area, and pose a real danger to pedestrians.

Councillor West stated that he believes making the Village of Broad Ripple a skate-free zone is a good solution to this problem.

Councillor Dowden moved the question, which passed by a unanimous voice vote.

Proposal No. 265, 1995 was adopted on the following roll call vote; viz:

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

Councillor Williams asked for consent to explain her vote. Consent was given. She said that she endorses the skateboarder's plan that a place be provided for skateboarders to skate. Councillor Jimison asked that the Parks Department look at this issue and include the cost of a skateboard area in its 1996 budget.

The President asked Councillor Giffin, Chairman of the Parks and Recreation Committee, to look into this matter. Councillor Giffin said that the issue will be taken up with the Parks Committee.

Proposal No. 265, 1995 was retitled GENERAL ORDINANCE NO. 112 , 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 112, 1995

A GENERAL ORDINANCE amending Chapter 28 of the Code to prohibit the use of skateboards and similar play devices in the Broad Ripple business district.

WHEREAS, the City has received complaints from businesses, pedestrians, and residents about the difficulty and dangers of walking on the streets, sidewalks and parking areas of the Broad Ripple business district where skateboards and similar play devices are being used; and

WHEREAS, the Council has the authority under IC 36-9-2-7 to regulate the use of public ways; and

WHEREAS, the Council has the authority under IC 36-8-2-4 to regulate conduct that might endanger the public health, safety or welfare; now, therefore:

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

SECTION 1. Chapter 28 of the Code of Indianapolis and Marion County, Indiana, specifically Sec. 28-210, is hereby amended by inserting the language under-scored to read as follows:

Sec. 28-210. Use of toy vehicles.

(a) It shall be unlawful for any person, who is riding in or by means of a skateboard, coaster, scooter, toy vehicle or any similar play device, to park, stand or use any such vehicle or device upon any roadway, except when and where such roadway is designated as a play street, or while the person is crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(b) It is hereby declared a public nuisance and, therefore, a violation of this Code to operate a skateboard, coaster, scooter, toy vehicle or any similar play device on the streets, sidewalks and parking areas within the territory bounded by and including College Avenue on the west, Compton Street on the east, 62nd Street on the south, and 65th Street on the north.

(c) A skateboard operated in violation of this ordinance may be temporarily held to abate the nuisance.

(d) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Revised Code of the Consolidated City and County. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in section 1-8 of the Code of Indianapolis and Marion County, Indiana.

SECTION 2. Sec. 103-52 of the Revised Code of the Consolidated City and County, be, and is hereby, amended by inserting the underlined text, to read as follows:

Sec. 103-52. Schedule of Code Provisions and Penalties. The following code (or ordinance) provisions and respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
4-71	Open burning	50.00
6-4	Animal at large - 1st offense in calendar year	50.00
6-71	Unlicensed dog - 1st offense in calendar year	50.00
6-150	Unvaccinated dog or cat - 1st offense in calendar year	50.00
7-20	Swimming in unguarded waters - 1st offense in calendar year	50.00
17-151	Sale of tobacco products without license - 1st offense	45.00
17-154	Prohibited distributions of tobacco products - 1st offense	45.00
17-780	Unlicensed transient merchant - 1st offense in calendar year	50.00
17½-8	Littering on premises of another	45.00
17½-17	Vehicle losing its load - 1st offense in calendar year	50.00
18-2	Unlawful noise - 1st offense in calendar year	50.00
20-9	Loitering - 1st offense in calendar year	50.00
20-46	Noisy house - 1st offense in calendar year	50.00
21½-14	3rd false alarm in calendar year	20.00
21½-14	4th false alarm in calendar year	30.00
21½-14	5th through 7th false alarm in calendar year	40.00
22-2	In park after hours - 1st offense in calendar year	50.00
22-9	Alcohol in park - 1st offense in calendar year	50.00
28-16	Parking prohibited for street repairs and cleaning	12.50
<u>28-210</u>	<u>Skateboard or similar play device - 1st offense in calendar year</u>	<u>50.00</u>
28-311	Premises address violation - 2nd offense in calendar year	25.00
29-8	Pedestrian violations	12.50
29-27	Parking when temporarily prohibited	12.50



29-97	Display of unauthorized traffic controls	12.50
29-98	Interference with traffic control devices	12.50
29-123	Unlawful use of horn or sounding device	15.00
29-223	Unlawfully parked trailer	12.50
29-252	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
29-253	Unlawful parking in certain school areas	12.50
29-254	Unlawful manner of parking	12.50
29-255	No required lights on certain parked vehicles	12.50
29-256.1	Violation of handicapped parking restrictions	45.00
29-256.2	Unlawful parking in handicapped parking meter zone	45.00
29-257	Unloading perpendicular to curb without permit	12.50
29-258	Unlawful use of bus stops and taxicab stand	12.50
29-259	Unlawful use of passenger and loading zones	12.50
29-260	Unlawful parking adjacent to certain buildings	12.50
29-262	Unlawful parking for display for sale or advertising	12.50
29-263	Unlawful parking for more than 6 hours	12.50
29-264	Unlawful parking of commercial vehicles at night	12.50
29-265	Unlawful parking in alleys or on certain narrow streets	12.50
29-266	Unlawful parking in designated special parking areas	12.50
29-267	Parking on certain streets where prohibited at all times	12.50
29-268	Stopping, standing or parking on streets where prohibited at all times	12.50
29-269	Parking on certain streets where prohibited at all times on certain days	12.50
29-270	Parking on certain streets when prohibited at certain times on certain days	12.50
29-271	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m. - 9:00 a.m., 7:00 a.m. - 9:00 a.m., 3:00 p.m. - 6:00 p.m., 4:00 p.m. - 6:00 p.m.	25.00
29-272	Parking longer than permitted on certain streets at certain times on certain days	12.50
29-284	Parking in excess of time permitted in parking meter zone	12.50
29-291	Parking in meter zone when temporarily prohibited	12.50
29-297	Overtime parking in metered parking space	12.50
29-321	Unlawful parking during snow emergency	25.00
29-335	Leaving taxicab unattended	12.50
29-336	Unlawful parking of bus or taxicab	12.50
29-337	Unlawful parking in certain mailbox zones	12.50
29-341	Unlawful stopping, standing or parking near fire hydrant	45.00
29-342	Unlawful obstruction of fire lane	25.00
29-398	Unlawful loading or unloading of private bus	12.50
29-400	Unlawfully stopping of food vendor vehicle	12.50
29-401	Violation of noise restriction on food vendors	12.50
29-403	Failure of food vending vehicle to display required warnings	12.50
29-403.2	Unlawful vending for other than curb side of vending vehicle	12.50
29-406	Operation of bicycle without required equipment	12.50
29-407	Unlawful operation of bicycle	12.50
29-424	Operation of unregistered bicycle	7.50
29-440	Consumption or possession by operator of motor vehicle	
	1st offense in calendar year	50.00
29-441	Operating motor vehicle containing open alcoholic beverages	
	1st offense in calendar year	50.00
Appendix D. Part 26, Sec. 6 Civil zoning violations - 1st offense in calendar year		50.00

SECTION 3. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

[Clerk's Note: The Council recessed for ten minutes.]

PROPOSAL NO. 366, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 366, 1995 on June 20 and July 10, 1995. The proposal authorizes the County Recorder to charge a supplemental fee of \$3 per document for recording documents. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Hinkle, for adoption. Proposal No. 366, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 366, 1995 was retitled SPECIAL ORDINANCE NO. 8, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1995

A SPECIAL ORDINANCE amending the Revised Code to authorize the Recorder to collect a supplemental fee of Three Dollars (\$3.00) per document for recording a document.

WHEREAS, IC 36-2-7-10(b) sets forth the various fees to be charged by the Recorder for services rendered; and

WHEREAS, IC 36-2-7-10(b)(11) provides that the City-County Council may authorize a supplemental fee, not to exceed Three Dollars (\$3.00) per document, to be charged by the Recorder for recording documents; and

WHEREAS, the Recorder seeks such authorization to charge a supplemental fee, in the amount of Three Dollars (\$3.00) per document, for recording documents; now therefore:

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

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, amended by adding a new Sec. 131-241 to read as follows:

ARTICLE II. COUNTY OFFICIALS' FEES

Sec. 131-241. Recorder's supplemental recording fee.

(a) Pursuant to IC 36-2-7-10(b)(11), the City-County Council hereby authorizes the Recorder to charge a supplemental fee in the amount of Three Dollars (\$3.00) per document for recording a document.

(b) This supplemental fee is to be paid at the time of recording the document, and this supplemental fee is in addition to other fees provided by law for recording a document.

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

## SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 429, 1995. The proposal rezones 44 acres at 5401 East Southport Road in Franklin Township from D-A district to D-6II classification to provide for development of an apartment village. Proposal 429, 1995 was certified by the Metropolitan Development Commission on June 22, 1995. On June 26, 1995 Councillor Smith moved to schedule the proposal for a public hearing on July 17, 1995. This motion passed by unanimous voice vote.

The President said that Robert Elrod, General Counsel, advised him that a preliminary conference was held with the petitioners and remonstrators on July 12, 1995, and there was no resolution of the matter at that time.

Councillor Smith stated that the petitioner proposes to build 480 multi-family units on 44 acres. He said that the remonstrators oppose this project because of the density--it is 130 times the current land use. Mr. Smith said that approximately 600 neighborhood opinion ballots were sent out, and over 475 were returned. The results of the poll were that 97% opposed this development. The 1991 Comprehensive Plan ("the Plan") recommends D-6II which is medium density residential at 5-15 units per acre. A LD classification of 2-5 units per acre would be more compatible with the existing neighborhood. At the June 21st Metropolitan Development Commission hearing there were five items on the agenda, and all five were Franklin Township cases. This points out that Franklin Township is going through tremendous growth. Four of the petitions were approved with no opposition. Councillor Smith asked the Council to reject this petition.

Philip Nicely stated that he represents the petitioner, Regency Windsor Companies. Mr. Nicely said that the Department of Metropolitan Development ("DMD") staff recommended approval of this rezoning and the development is in accordance with the Plan. The Metropolitan Development Commission approved the rezoning by a 6-2 margin. He said that he believes that the remonstrators oppose this apartment complex because it is a rental project. The multi-family use of this property would not negatively effect the residential uses in the area. The proposed development is an ideal transitional use or buffer separating the Meijer/commercial and Shorewood/industrial uses from future development further east. He asked that the Councillors approve this petition for rezoning.

David Retherford stated that he is an attorney in Franklin Township and he represents the residents along this Southport Road corridor. He also represents the Boulders Homeowners Association, Greystone Homeowners Association, Franklin Park Estates, Moss Creek Subdivision, Franklin Township Positive Growth Association, Franklin Township Civic League, and the approximately 475 respondents to the neighborhood opinion poll. The best use of this property would be some type of high-end condominium or patio-home-type development which is closer in density to the LD classification of two to five units per acre. The issues in this case are the density of this development and the inaccuracy of the Plan. There were very detailed commitments negotiated that protected this 44 acre property in 1977 when the D-2 property just east of this property in question was rezoned and in 1988 when the Meijer industrial park was rezoned. When the Plan was updated in 1991, no one checked these negotiated commitments. The residents in this area will begin a process to update the Plan for this corridor. Mr. Retherford urged the Councillors to defeat this rezoning.

Phyllis Beck stated that she lives on Southport Road and she represents the entire Southport area. This proposed apartment project is not the best transitional use for this property. The people that



she represents would approve a density of three to five. Clay Franchville said that he lives directly across the street from the proposed project and urged the Councillors to reject this rezoning.

Councillor West asked if the DMD staff knew of these commitments negotiated in 1977 and in 1988. Ed Mitro, Senior Planner, DMD, said that when the Plan was updated in 1991, the staff was aware of the McFarland Farms and the Meijer zoning cases, which are directly west of the property in question. Regarding the D-2 property to the east, the staff was not aware of the numerous commitments on that property--but those commitments expired in 1991.

Councillor Beadling asked how long the property has been for sale. Ben Henderson stated that he is one of the owners of the property and he bought the property in 1991. He bought the property because of the zoning listed on the Plan.

The President reminded the Councillors that under Council rules the vote to sustain the Commission's approval to rezone this property will take 12 "yes" votes; to reject will take 18 "no" votes. The Commission's decision was rejected and Proposal No. 429, 1995 failed by the following roll call vote; viz:

*10 YEAS: Black, Brents, Curry, Golc, Gray, Jimison, Jones, Moriarty Adams, Mullin, Williams*

*18 NAYS: Beadling, Borst, Coughenour, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, West*

*1 NOT PRESENT: Boyd*

[Clerk's Note: The Council took a ten-minute recess.]

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

PROPOSAL NO. 338, 1995. The proposal consolidates the Ordinance Violations Bureau and the Revenue Enhancement Division within the Office of Corporation Counsel. PROPOSAL NO. 339, 1995. The proposal is an appropriation of \$758,401 to fund the Collections Division in the Office of Corporation Counsel financed by a transfer of funds from the Department of Capital Asset Management's Parking Meter Fund and from the Office of the Controller's Consolidated County Fund. Councillor Gilmer asked for consent to postpone these two proposals until August 1, 1995. Proposal Nos. 338 and 399, 1995 were postponed by consent.

Councillor Schneider asked for consent to hear Proposal No. 424, 1995 next. Consent was given.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 424, 1995. Councillor Schneider reported that the Municipal Corporations Committee heard Proposal No. 424, 1995 on July 6, 1995. The proposal, sponsored by Councillors Rhodes, Schneider, Dowden, Beadling, Coughenour, Franklin, Giffin, Golc, Jimison, Jones, McClamroch, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Smith, and West, concerns movie video tape distribution by the Indianapolis-Marion County Public Library (the "Library"). Councillor Schneider said that the present Library policy allows juveniles to borrow any video tape unless their parents request that a restriction be placed on the juveniles' cards that will not allow them to borrow R- and NC17-type videos. This proposal asks the Library Board to change the existing policy to prohibit juveniles from borrowing R- and NC17-type videos unless their parents



request that their library cards be unrestricted with respect to the borrowing of video tapes. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Curry voiced his opposition to this proposal.

Councillor Dowden moved the question. This motion was seconded by Councillor Coughenour, and it failed by the following roll call vote; viz:

*13 YEAS: Beadling, Coughenour, Dowden, Gilmer, Gray, Jones, Moriarty Adams, Rhodes, Schneider, SerVaas, Shambaugh, Smith, Tilford*

*14 NAYS: Black, Borst, Brents, Curry, Franklin, Golc, Hinkle, Jimison, McClamroch, Mullin, O'Dell, Short, West, Williams*

*1 NOT VOTING: Giffin*

*1 NOT PRESENT: Boyd*

Councillors Hinkle, Short, Williams, and Brents voiced their opposition to this proposal.

Councillors Coughenour, Dowden, Golc, West, McClamroch, Jimison, Rhodes, and SerVaas voiced their support of this proposal.

[Clerk's Note: The President passed the gavel to the Vice President when he voiced his opinion.]

Proposal No. 424, 1995 was adopted on the following roll call vote; viz:

*19 YEAS: Beadling, Borst, Coughenour, Dowden, Franklin, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Smith, Tilford, West*

*8 NAYS: Black, Brents, Curry, Gilmer, Hinkle, Mullin, Short, Williams*

*1 NOT VOTING: Giffin*

*1 NOT PRESENT: Boyd*

Proposal No. 424, 1995 was retitled SPECIAL RESOLUTION NO. 67, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 67, 1995

A SPECIAL RESOLUTION concerning movie video tape distribution by the Indianapolis-Marion County Public Library.

WHEREAS, the Motion Picture Association of America rates films for their suitability for various ages, which include "R" where persons under 17 must be accompanied by a parent or guardian, and "NC-17" where persons under 17 are not to be admitted; and

WHEREAS, many of the aforementioned movies contain gratuitous violence, foul language, sexual degradation and criminal actions that in the real world could result in lengthy jail sentences; and

WHEREAS, if the movie theaters and video stores can place some reasonable limitations upon children viewing or obtaining adult movies, then taxpayer-supported entities such as the Indianapolis-Marion County Public Library should likewise do their part to be concerned about the health and welfare of our children; and

WHEREAS, a library card, like a driver's license, is a revocable privilege, not a right; 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 asks the Indianapolis-Marion County Public Library to adopt a policy that parents or guardians must execute prior written permission before their children may borrow "R" or "NC-17"-type video tapes from the library.

SECTION 2. The Council encourages the library to increase its collection of historic and classic videos that are not readily available in commercial video stores.

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.

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

PROPOSAL NO. 341, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 341, 1995 on May 30, June 12, June 20, and July 10, 1995. The proposal is an appropriation of \$3,200,000 of Community Development Block Grant Section 108 funds to carry out the following economic development projects: (1) the West Michigan Street Redevelopment Project, (2) the Mainscape Project, and (3) the New East Industrial Center and the Opportunity Factory. By a 6-0 vote on July 10, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 11:39 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Williams, for adoption. Proposal No. 341, 1995, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 341, 1995, as amended, was retitled FISCAL ORDINANCE NO. 67, 1995 and reads as follows:

#### **CITY- COUNTY FISCAL ORDINANCE NO. 67, 1995**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Three Million Two Hundred Thousand Dollars (\$3,200,000) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development, Neighborhood and Development Services Division and reducing the unappropriated and unencumbered balance in the Redevelopment General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (k) of the City-County Annual Budget for 1995, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Neighborhood and Development Services Division appropriating additional Block Grant funds for use for the West Michigan Street Redevelopment Project, the Mainscape Project, and the New East Industrial Center funded under a Section 108 Loan.

SECTION 2. The sum of Three Million Two Hundred Thousand Dollars (\$3,200,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

July 17, 1995

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>NEIGHBORHOOD AND DEVELOPMENT SERVICE DIVISION</u>	<u>REDEVELOPMENT</u> <u>GENERAL FUND</u>
3. Other Services and Charges	<u>\$3,200,000</u>
TOTAL INCREASE	\$3,200,000

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

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>NEIGHBORHOOD AND DEVELOPMENT SERVICE DIVISION</u>	<u>REDEVELOPMENT</u> <u>GENERAL FUND</u>
Unappropriated and Unencumbered Redevelopment General Fund	<u>\$3,200,000</u>
TOTAL REDUCTION	\$3,200,000

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

PROPOSAL NO. 369, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 369, 1995 on June 19, 1995. The proposal an appropriation of \$32,069 to pay for accumulated compensatory time and benefit leave for employees who have left the County Coroner's office financed from the County General Fund balances. 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 11:42 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 369, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 369, 1995 was retitled FISCAL ORDINANCE NO. 68, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Thirty Two Thousand Sixty-nine Dollars (\$32,069) in the County General Fund for purposes of the County Auditor and County Coroner and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b),(g) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Coroner pay accumulated compensatory time and benefit leave for employees that have left the County Coroner's Office.

SECTION 2. The sum of Thirty Two Thousand Sixty-nine Dollars (\$32,069) 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 appropriation is hereby approved:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	27,850
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>4,219</u>
TOTAL INCREASE	32,069

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>32,069</u>
TOTAL REDUCTION	32,069

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

Councillor Dowden asked for consent to discuss and vote on Proposal Nos. 372, 374, 375, 418, and 417, 1995 together. Consent was given. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 372, 374, 375, and 418, 1995 on June 14, 1995, and the Committee heard Proposal No. 417, 1995 on July 12, 1995.

PROPOSAL NO. 372, 1995. The proposal is an additional appropriation of \$116,325 for the Public Defender Agency to achieve staffing levels sufficient to qualify for state reimbursement in excess of such increases. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 11:46 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 372, 1995 was adopted on the following roll call vote; viz:

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

Proposal No. 372, 1995 was retitled FISCAL ORDINANCE NO. 69, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional One Hundred Sixteen Thousand Three Hundred Twenty-five Dollars (\$116,325) in the County General Fund for purposes of the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

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



SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of an appropriation to fund staffing levels which support the Marion County Comprehensive Plan for Indigent Defense Services.

SECTION 2. The sum of One Hundred Sixteen Thousand Three Hundred Twenty-five Dollars (\$116,325) 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 appropriation is hereby approved:

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	55,000
3. Other Services and Charges	55,000
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>6,325</u>
TOTAL INCREASE	116,325

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>116,325</u>
TOTAL REDUCTION	116,325

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

PROPOSAL NO. 374, 1995. The proposal is an appropriation of \$262,422 for Community Corrections to pay personnel, home detention equipment and office supply expenses for fiscal year 1995/1996 financed by revenues from the Home Detention User Fee Fund. PROPOSAL NO. 375, 1995. The proposal is an appropriation of \$7,000 for Community Corrections to pay for additional bed space in the Community Corrections Residential Program financed by revenues from the Home Detention User Fee Fund. PROPOSAL NO. 418 1995. The proposal is an appropriation of \$199,877 for Community Corrections to continue the Craine House Family Living Program financed by a state grant. PROPOSAL NO. 417, 1995. The proposal is an appropriation of \$2,720 for the Superior Court, Criminal Division, Room Three, to pay for additional supply, office equipment, and parking expenses financed by a transfer of funds within the court's budget. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that it do pass.

The President called for public testimony at 11:51 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 374, 375, 418, and 417, 1995 were adopted on the following roll call vote; viz:

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

Proposal No. 374, 1995 was retitled FISCAL ORDINANCE NO. 70, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Two Hundred Sixty-two Thousand Four Hundred Twenty-two Dollars (\$262,422) in the Home Detention User Fee Fund for purposes of the County Auditor and Community Corrections Agency 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, Section 1.02(b) and (aa) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of County Auditor and Community Corrections Agency for fiscal year 1995/1996 appropriations for personnel, home detention equipment and office supplies.

SECTION 2. The sum of Two Hundred Sixty-two Thousand Four Hundred Twenty-two Dollars (\$262,422) 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 appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	126,378
2. Supplies	9,000
3. Other Services and Charges	38,048
4. Capital Outlay	55,500
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>33,496</u>
TOTAL INCREASE	262,422

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>262,422</u>
TOTAL REDUCTION	262,422

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

Proposal No. 375, 1995 was retitled FISCAL ORDINANCE NO. 71, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Seven Thousand Dollars (\$7,000) in the Home Detention User Fee Fund for purposes of the Community Corrections Agency 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, Section 1.02(aa) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections Agency for an additional appropriation for bed space in the Community Correction Residential Program for fiscal year 1994/1995.

SECTION 2. The sum of Seven Thousand Dollars (\$7,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
3. Other Services and Charges	<u>7,000</u>
TOTAL INCREASE	7,000

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>7,000</u>
TOTAL REDUCTION	7,000

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

Proposal Nos. 418, 1995 was retitled FISCAL ORDINANCE NO. 72, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional One Hundred Ninety-nine Thousand Eight Hundred Seventy-seven Dollars (\$199,877) in the State and Federal Grants Fund for purposes of the Community Corrections Agency 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 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections for the Craine House Family Living Program for 1995/1996.

SECTION 2. The sum of One Hundred Ninety-nine Thousand Eight Hundred Seventy-seven Dollars (\$199,877) 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 appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>199,877</u>
TOTAL INCREASE	199,877

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants	<u>199,877</u>
TOTAL REDUCTION	199,877

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal Nos. 417, 1995 was retitled FISCAL ORDINANCE NO. 73, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Two Thousand Seven Hundred Twenty Dollars (\$2,720) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Three and reducing certain other appropriations for that court.

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(gg) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Criminal Division, Room Three for additional supplies, parking, and office equipment.

SECTION 2. The sum of Two Thousand, Seven Hundred Twenty Dollars (\$2,720) 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, CRIMINAL DIVISION, ROOM THREE</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	2,270
3. Other Services and Charges	<u>450</u>
TOTAL INCREASE	2,720

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM THREE</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	2,347
4. Capital Outlay	<u>373</u>
TOTAL DECREASE	2,720

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

PROPOSAL NO. 419, 1995. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 419, 1995 on July 11, 1995. The proposal authorizing the City to issue its Resource Recovery Revenue Refunding Bonds (Ogden Martin Systems of Indianapolis, Inc. Project), Series 1996. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Curry stated that this proposal was also heard by the Public Works Committee on July 6, 1995; and by a 6-0 vote, the Public Works Committee recommends that it do pass.

The President called for public testimony at 11:55 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Coughenour, for adoption. Proposal No. 419, 1995, as amended, was adopted on the following roll call vote; viz:

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



Councillor Rhodes asked for consent to abstain from voting due to a possible conflict of interest. Consent was given.

Proposal No. 419, 1995, as amended, was retitled SPECIAL ORDINANCE NO. 9, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1995

A SPECIAL ORDINANCE authorizing the Consolidated City of Indianapolis and Marion County, Indiana, to issue its Resource Recovery Refunding Revenue Bonds (Ogden Martin Systems of Indianapolis, Inc. Project), Series 1996, approving and authorizing other actions in respect thereto, and repealing ordinances inconsistent therewith.

WHEREAS, the City of Indianapolis, Indiana (the "City") has previously issued its City of Indianapolis, Indiana Adjustable/Fixed Rate Resource Recovery Refunding Revenue Bonds (Ogden Martin Systems of Indianapolis, Inc. Project), 1985 Series A, 1985 Series B, and 1985 Series C dated December 17, 1985, and issued in the original aggregate principal amount of \$109,000,000 (the "Prior Bonds"), pursuant to a Trust Indenture dated as of December 1, 1985, as restated and supplemented on March 24, 1986, and as further amended and supplemented as of March 1, 1992 (collectively, the "Original Indenture"), between the City and NBD Bank, N.A., as successor to The Indiana National Bank and INB National Bank (the "Trustee"); and

WHEREAS, in connection with the issuance of the Prior Bonds the City and Massburn, Inc., presently known as Ogden Martin Systems of Indianapolis, Inc. (the "Company"), entered into a Service Agreement dated as of September 23, 1985 (the "Service Agreement"), which the City and the Company now desire to amend in part; and

WHEREAS, pursuant to Indiana Code 5-1-5, 5-1-14, 36-1-3 and 36-9-31 (collectively, the "Refunding Law"), the City is authorized to issue refunding bonds to refund obligations of the City, including obligations such as the Prior Bonds, which refunding bonds may bear interest at a fixed rate or a variable rate and which may be sold at public or private sale or on a negotiated basis; and

WHEREAS, the City has determined to issue refunding bonds sometime between September 1, 1996 and December 2, 1996 ("Refunding Bonds"), pursuant to a Second Supplemental Indenture to be dated the date of the Refunding Bonds (the "Supplemental Indenture") between the City and the Trustee, and that in connection with the issuance of such Refunding Bonds, it is necessary and desirable to approve certain other contracts; and

WHEREAS, the Board of Public Works of the City (the "Board") in its Resolution recommended the adoption of this form of ordinance (the "Ordinance") by this Council and has further approved the substantially final forms of the Supplemental Indenture (the Original Indenture, heretofore approved by this Council, as supplemented by the Supplemental Indenture, being referred to as the "Indenture"); the Amendment to Service Agreement ("Amendment to Service Agreement") between the City and the Company; the Escrow Deposit Agreement (the "Escrow Agreement"), between the City and the Trustee, as escrow trustee; and the Forward Delivery Purchase Contract, relating to the Refunding Bonds (the "Purchase Contract"), between the City and Smith Barney Inc. ("Underwriter") (said documents referred to in this paragraph being referred to herein collectively as the "Financing Documents"); and

WHEREAS, the Board has transmitted the Financing Documents to the Council for approval of those substantially final forms; now, therefore:

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

SECTION 1. It is hereby found that (a) the refinancing of the Project (as defined in the Indenture); (b) the issuance and sale of the City of Indianapolis, Resource Recovery Refunding Revenue Bonds (Ogden Martin Systems of Indianapolis, Inc. Project) Series 1996 (the "Refunding Bonds") issued pursuant to this Ordinance in an amount not to exceed \$90,000,000; and (c) the payment of principal of, premium, if any, and interest on the Refunding Bonds by the City pursuant to the Indenture, comply with the

purposes and provisions of the Refunding Law and will be of benefit to the health and welfare of the City and its citizens.

SECTION 2. The substantially final forms of the Financing Documents are hereby approved, are incorporated herein by reference, shall be inserted in the minutes of the Council and kept on file in the office of the Clerk in accordance with the provisions of IC 36-1-5-4. Two copies of each of the Financing Documents are on file in the office of the Clerk for public inspection pursuant to that statute.

SECTION 3. The City shall issue its Refunding Bonds in the total principal amount not exceeding \$90,000,000 and maturing not later than December 1, 2008, for the purpose of procuring funds to refinance the Prior Bonds, which Refunding Bonds will be payable as to principal, premium, if any, purchase price, where necessary, and interest solely from the revenues and receipts arising out of or in connection with the Financing Agreement dated as of December 1, 1985, between the City and the Company, as from time to time amended, or as otherwise provided or described therein, or, to the extent paid out of moneys attributable thereto, drawings under a letter of credit, payments under an insurance policy or drawings or payments under another credit enhancement facility as further set forth in the Indenture. The Refunding Bonds shall be issued only in fully registered form, may be issued in denominations of \$5,000 or integral multiples thereof, and shall be redeemed as provided in the Indenture. Payments of principal on the Refunding Bonds are payable at the principal corporate trust office of the Trustee or any paying agent appointed in accordance with the Indenture, and payments of interest are payable by check mailed to the registered address of the registered owners of the Refunding Bonds. The Refunding Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit or public funds of the City, nor are the Refunding Bonds a debt of the City under the Constitution of the State of Indiana.

SECTION 4. The Mayor and Controller are authorized and directed to sell the Refunding Bonds to the Underwriter pursuant to the Purchase Contract at a price not less than 98% of the principal amount thereof. The effective interest rate (taking into account any "original issue discount") on the Refunding Bonds shall not exceed 6.60% per annum.

SECTION 5. The Controller is authorized to negotiate on behalf of the City to obtain, to the extent it is financially advantageous to the City, credit enhancement for the Refunding Bonds, including without limitation a letter of credit or a policy of municipal bond insurance.

SECTION 6. The Mayor, Controller and the Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the Financing Documents and any other document or closing certificate which may be necessary or desirable to consummate the transactions contemplated by this Ordinance, including the Refunding Bonds. The Mayor and the Controller are expressly authorized to approve any modifications or additions to the Financing Documents which take place after the date of this Ordinance after consultation with the Corporation Counsel; it being the express understanding of this Council that said Financing Documents are in substantially final form, respectively, as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof, if such execution or attestation is necessary for the particular Financing Document and the affixing of the seal thereto or the imprinting of the seal thereon, where necessary, as approved by this Council by this Ordinance without further consideration by this Council; provided, however, that no such modification or addition shall change the maximum principal amount of, maximum interest rate or rates on, or the manner in which the interest rate or rates will be determined, or the final maturity of the Refunding Bonds without further consideration by this Council. The signature of the Mayor and the Controller on the Refunding Bonds may be either manual or facsimile signatures and the Refunding Bonds shall be executed as set forth in the Indenture. The Controller is authorized to arrange delivery of the Refunding Bonds to the Trustee. Payment for the Refunding Bonds will be made to the Trustee and after such payment the Refunding Bonds will be delivered by the Trustee to the Underwriter. The Controller and the Trustee may, however, arrange with the Underwriter to allow the Underwriter to have custody of the Refunding Bonds prior to the time of actual delivery and payment for purposes of making arrangements for the final delivery of the Refunding Bonds to the ultimate purchasers thereof so long as no such final deliveries are made until payments to the Trustee are made as set forth in this Section.

SECTION 7. The substantially final form of Preliminary Official Statement (the "Preliminary Official") presented to this meeting is approved for distribution by the Underwriter. The Controller of the City is authorized to deem final the Preliminary Official Statement in the form actually distributed by Underwriter with such changes from the form hereby approved as shall be approved by the Controller and Corporation Counsel, all in accordance with Rule 15c2-12 of the Securities and

July 17, 1995

Exchange Commission. The Mayor is hereby authorized to execute the final Official Statement (containing maturities, interest rates and other details fixed by marketing of the Refunding Bonds) in substantially the form of the Preliminary Official Statement as deemed final by the Controller.

SECTION 8. The provisions of this Ordinance and the Indenture securing the Refunding Bonds shall constitute contracts binding between the City and the respective owners of the Refunding Bonds, and after the issuance of the Refunding Bonds, this Ordinance shall not be repealed or amended in any respect which may adversely affect the rights of any such owner so long as any Refunding Bonds or the interest thereon remains unpaid.

SECTION 9. All ordinances and parts of ordinances in conflict or inconsistent herewith are hereby repealed.

SECTION 10. This ordinance is enacted in accordance with the Refunding Law and shall be in full force and effect upon its adoption and compliance with IC 36-3-4-14.

Councillor Rhodes said that the Administration and Finance Committee had a hearing on July 10, 1995 concerning Maxicare, which was introduced on April 10, 1995 as Proposal No. 233, 1995. Councillor Rhodes moved to strike Proposal No. 233, 1995. Proposal No. 233, 1995 was stricken by a unanimous voice vote.

### ANNOUNCEMENTS AND ADJOURNMENT

Robert G. Elrod, General Counsel, made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 95-Z-42 (95-DP-2), Council Proposal No. 468, 1995, at its next regular meeting on August 1, 1995, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 304 acres at 9602-9902 Fall Creek Road from D-S and D-1 districts to D-P classification to provide for planned unit residential development, consisting of 421 detached single-family residential units (overall density of 1.38 units per acre) with approximately 70 acres designated as nature sanctuary.

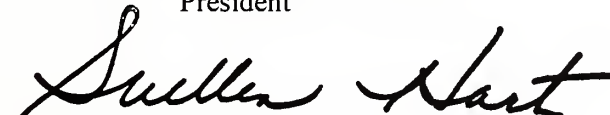
Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:58 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-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of July, 1995.

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)