

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 25, 1996**

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, November 25, 1996, with Councillor SerVaas presiding.

Councillor Cockrum introduced the minister of Valley Mills Christian Church, Pastor Mike Harenza, who led the opening prayer. Councillor Cockrum invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

28 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
1 ABSENT: Gilmer

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Golc welcomed co-worker Larry Charnoski and his wife. Councillor McClamroch recognized former Councillor, Judge Z. Mae Jimison, and thanked her for providing the Council with cookies. Councillor O'Dell welcomed attorney Mark Drummond.

SPECIAL ORDERS - PUBLIC HEARING

Councillor O'Dell made the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 1250 North Post Road have reached a compromise and it will not be necessary to have a hearing on this matter; therefore, I move that Proposal No. 758, 1996 (Rezoning Petition No. 96-Z-204, 96-DP-18) be adopted incorporating therein the commitments dated November 25, 1996.

Councillor Hinkle seconded the motion, and Proposal No. 758, 1996 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Franklin, Shambaugh

1 ABSENT: Gilmer

Proposal No. 758, 1996 was retitled REZONING ORDINANCE NO. 247, 1996, and is identified as follows:

REZONING ORDINANCE NO. 247, 1996. 96-Z-204 (96-DP-18)
1250 NORTH POST ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT #13
SENIORLIFE RESIDENCES, INC., by Joseph M. Scimia, requests a rezoning of 6.02 acres at 1250 North Post Road, being in the D-A and D-3 Districts, to the D-P classification to provide for the construction of a planned unit development for senior citizen residence consisting of 58 unit catered living apartments, 28 residential patio homes, and a medical office building, all developed in phases

Councillor Dowden stated that the Public Safety and Criminal Justice Committee meeting scheduled for November 20, 1996 had been cancelled, and he moved to postpone Proposal Nos. 702, 737, 738, 739, 743, and 744, 1996 until December 16, 1996. PROPOSAL NO. 702, 1996. The proposal is an appropriation of \$30,960 for the Marion County Superior Court to pay expenses of the probation department financed by revenues in the Supplemental Adult Probation Fee Fund. PROPOSAL NO. 737, 1996. The proposal is an appropriation of \$28,339 for the Prosecuting Attorney to contract for a Project Safe Families advocate funded by a federal grant. PROPOSAL NO. 738, 1996. The proposal is an appropriation of \$58,703 for the Prosecuting Attorney to contract for a child interviewer funded by a federal grant. PROPOSAL NO. 739, 1996. The proposal is an appropriation of \$65,000 for the Prosecuting Attorney to contract for court advocates in domestic violence courts funded by a federal grant. PROPOSAL NO. 743, 1996. The proposal is an appropriation of \$24,000 for the Marion County Justice Agency to offer indigent adults individualized and group counseling in order to work through victimization issues such as domestic violence financed by a federal grant. PROPOSAL NO. 744, 1996. The proposal is an appropriation of \$46,215 for the Marion County Justice Agency to continue the Drug Use Forecasting Program through September 30, 1997 financed by a federal grant. Councillor Schneider seconded the motion, and Proposal Nos. 702, 737, 738, 739, 743, and 744, 1996 were postponed by a unanimous voice vote.

November 25, 1996

Councillor O'Dell asked for consent to modify the Agenda, waive a Municipal Corporations Committee hearing, and consider Proposal No. 606, 1996 as the Committee of the Whole. Consent was given.

PROPOSAL NO. 606, 1996. The proposal reappoints James O. Dillard to the Speedway Library Board. Councillor O'Dell moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 606, 1996 was adopted by a unanimous voice vote.

Proposal No. 606, 1996 was retitled COUNCIL RESOLUTION NO. 53, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 1996

A COUNCIL RESOLUTION reappointing James O. Dillard to the Speedway Library Board.

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

SECTION 1. As a member of the Speedway Library Board, the Council appoints:

James O. Dillard

SECTION 2. The appointment made by this resolution is for a term ending October 25, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

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 Monday, November 25, 1996, 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

November 12, 1996

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 *Court & Commercial Record* on Wednesday, November 13, 1996, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, November 14, 1996, a copy of a Notice of Public Hearing on Proposal Nos. 730, 731, 734, 737, 738, 739, 743, 744, and 758, 1996, said hearing to be held on Monday, November 25, 1996, at 7:00 p.m. in the City-County Building.

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

Journal of the City-County Council

November 15, 1996

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:

FISCAL ORDINANCE NO. 111, 1996 - an appropriation of \$140,947 for the Prosecuting Attorney to continue funding six victim advocates working in various courts financed by federal and state grants

FISCAL ORDINANCE NO. 112, 1996 - an appropriation of \$20,800 for the Prosecuting Attorney to provide victim assistance training for the Victim Assistance Network financed by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 113, 1996 - an appropriation of \$275,187 for the Community Corrections Agency to fund the home detention program for fiscal year 1996-97 financed by home detention user fees

FISCAL ORDINANCE NO. 114, 1996 - an appropriation transferring \$20,000 in the County General Fund for the Forensic Services Agency to pay for additional chemicals, reagents, and supplies used in processing evidence

FISCAL ORDINANCE NO. 115, 1996 - a transfer of \$10,149 in the State and Federal Grants Fund for the Community Corrections Agency to pay accrued time to two employees that resigned from the agency

FISCAL ORDINANCE NO. 116, 1996 - a transfer of \$16,135 in the County General Fund for the Community Corrections Agency to pay for equipment maintenance

SPECIAL ORDINANCE NO. 18, 1996 - amends the interest rate and term of the bonds as requested by the permanent investor for Sutton Place Apartments Project located at 9350 East 43rd Street (District 14)

SPECIAL ORDINANCE NO. 19, 1996 - authorizes economic development refunding revenue bonds in the total aggregate principal amount not to exceed \$6,000,000 for Yellow Freight System, Inc. located at 1818 South High School Road (District 19)

SPECIAL RESOLUTION NO. 69, 1996 - congratulates WCTY Cable TV 16 for its award winning *Murals and Mobiles* documentary

SPECIAL RESOLUTION NO. 70, 1996 - an Inducement Resolution for Killion Corporation in an amount not to exceed \$1,280,000 to proceed with the financing, acquisition, and construction of certain land, buildings, structures, machinery, and equipment comprising light manufacturing, warehousing, and general office use facilities to be located at 7901 West 21st Street (Killion Corporation Project) (District 18)

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 11, 1996. There being no additions or corrections, the minutes were approved as distributed.

November 25, 1996

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

PROPOSAL NO. 778, 1996. The proposal, sponsored by Councillors Bradford, Dowden, Gray, Schneider, and SerVaas, recognizes the state champion North Central High School boys soccer team. Councillor Bradford read the proposal, and Councillors Gray, Dowden, and Schneider presented team members and coaches with copies of the document and Council pins. Coach Jerry Little and team captain Ben Robinson, thanked the Council for this recognition. Councillor Bradford moved, seconded by Councillor Gray, for adoption. Proposal No. 778, 1996 was adopted by a unanimous voice vote.

Proposal No. 778, 1996 was retitled SPECIAL RESOLUTION NO. 71, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 71, 1996

A SPECIAL RESOLUTION recognizing the state champion North Central High School boys soccer team.

WHEREAS, in the three years that the Indiana High School Athletic Association has conducted the boys soccer tournament Washington Township's North Central High School is the only high school in the state to win state championship titles; and

WHEREAS, after a good, but not particularly great, regular soccer season the North Central Panthers realized that soccer games are only won when the team has a strong focus and solid teamwork; and

WHEREAS, during the IHSAA tournament a 3-0 victory over South Bend St. Joseph school earned the Panthers a berth at the state finals game against the strong Fort Wayne Canterbury team; and

WHEREAS, North Central's 6-1 win in the final game on Saturday, November 2, 1996, made North Central continue to be the only team in Indiana to possess an IHSAA boys soccer state championship trophy in their school display case; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the North Central High School boys soccer team for winning three consecutive state IHSAA championships; and four state titles in a row counting the soccer club state championship in 1992 before the sport was sanctioned by the state high school athletic association.

SECTION 2. The Council specifically commends team members Scott Walti, Brett Northcutt, Nick Ham, Takeo Inoue, Dan McAfee, Keith Shui, Yared Adhanom, Eric Mills, Yanive Shmoel, Harry Stegmann, Paul Charnoski, Andrew Radecki, Chris Greiner, Grant Smith, Gavin Smith, John Stevning, Damian Leiba, Matt Fundenberger, Scott McNichols, Mark Olas, Ben Robinson, Kei Tennyson, Chris Ellis, Matt Tabor, and Nick Jordan; managers and student trainers Matt Segal, Nancy Cava, Ashley Traylor, Katy Karrmann, and Vivian Randolph, and coaches Jerry Little, Bruce Quilling, and Tony Jacklin.

SECTION 3. The Council wishes these boys and North Central School the very best of success in the future.

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

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

PROPOSAL NO. 763, 1996. The proposal, sponsored by Councillor SerVaas, approves a schedule of regular council meetings for the year 1997. The President read the proposal and indicated changes which had been made and distributed.

Councillor Short asked for consent to change the March 17, 1996 meeting date due to St. Patrick's Day. A voice vote was taken, and the President ruled that the March 17, 1996 date would remain in the schedule.

Councillor McClamroch moved, seconded by Councillor Boyd, for adoption. Proposal No. 763, 1996, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams
1 NAY: Short
1 ABSENT: Gilmer

Proposal No. 763, 1996, as amended, was retitled COUNCIL RESOLUTION NO. 54, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 1996

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1997.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 1997:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 06, 1997 | (11) Monday, July 21, 1997 |
| (2) Tuesday, January 21, 1997 | (12) Monday, August 04, 1997 |
| (3) Monday, February 03, 1997 | (13) Monday, August 25, 1997 |
| (4) Monday, February 24, 1997 | (14) Monday, September 15, 1997 |
| (5) Monday, March 17, 1997 | (15) Monday, September 29, 1997 |
| (6) Monday, April 14, 1997 | (16) Monday, October 13, 1997 |
| (7) Monday, April 28, 1997 | (17) Monday, October 27, 1997 |
| (8) Monday, May 19, 1997 | (18) Monday, November 10, 1997 |
| (9) Monday, June 09, 1997 | (19) Monday, November 24, 1997 |
| (10) Monday, June 23, 1997 | (20) Monday, December 15, 1997 |

PROPOSAL NO. 788, 1996. The proposal, sponsored by Councillor McClamroch, appoints Robert Grothe to the Common Construction Wage Committee of the Town of Speedway. Councillor McClamroch moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 788, 1996 was adopted by a unanimous voice vote.

Proposal No. 788, 1996 was retitled COUNCIL RESOLUTION NO. 55, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 1996

A COUNCIL RESOLUTION appointing Robert Grothe to the Common Construction Wage Committee for the Town of Speedway.

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

November 25, 1996

SECTION 1. As a member of the Common Construction Wage Committee formed by the Town of Speedway, the Council appoints:

Robert Grothe

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 658, 1996. The proposal requests Council action on monitoring of Police Department.

Councillor Boyd made the following motion:

Mr. President:

I move that Proposal No. 658, 1996 be stricken from the docket of the Indianapolis City-County Council for the following reasons:

An original purpose in presenting the proposed resolution was to provide the Council with a vehicle for demonstrating moral, operational, and legislative leadership during a period when the City needed it, and during a period when local government had raised no voice. The proposal has been languishing within the process of the Council for many weeks without definitive future. Rather than letting the proposed resolution blend out of existence, it is best to give it clean ending punctuation so that it will be clear that the proposal was presented and rejected. We have clearly yielded and have passed the point of effective leadership on this issue.

Though the apology aspect of the proposed resolution was only one of several points, it was a very important one. Genuine apologies must be totally voluntary. From the Council conversation thus far on this issue, it is apparent that if an apology is forthcoming, it would be the consequence of an "extraction" process resulting from political and community pressure. An apology thus achieved would be ingenuous and would have little worth.

Without a doubt, the Indianapolis City-County Council is the primary policy making body for the City. Sections 3 and 4 of the proposed resolution asks the Council to review our policy environment to make sure that we have done our job in terms of making sure that the Council, our employees, and citizens in general have clear understandings. Everyone needs to know what the rules and expectations are. The Council needs to make assessments as to where there might be ambiguity and bring clarity to places where it is needed. There is still a great need for this. However, an assessment of the following issues does not necessarily have to be done under the mandate of a resolution.

- If brotherhood training is not getting the job done (and even if it is), does the general training and orientation of new City employees need to include information about what the costs are to the City when we are sued as a result of established employee misconduct?
- Is there ever a time when a police officer is off duty? Correspondingly, is there ever a time when citizens/the Council are not responsible for their actions? Are we always liable?
- Are there policies and guidelines for the use of municipal suites? Is the Council aware of what they are? If no such guidelines exist, whether formal or merely understood, should the Council be proactive in bringing about such guidelines?
- Are we satisfied with our present system of citizen's review?
- There are two or three other groups in the City who are working on the concept of citizen's review, and who undoubtedly will be presenting this Council with recommendations which will go far, far beyond the mere statement of principles and concerns found in Proposal No. 658, 1996. The citizens who are working with these groups are dedicated volunteers who have great concern about what goes on in the City and whose time is every bit as valuable as the time of City Councillors. Are we going to be prepared to seriously consider what is presented to us? Is there any responsibility to have preliminary communication with them concerning response possibilities?

- What are some of the diversity issues raised by the events of August 27? Are we comfortable with our public policies concerning diversity issues? Can we be comfortable with the racial and gender division image which has been projected about the City in the national and international media?
- Are we satisfied that when another event similar to this takes place in the future, we will have both the machinery and process in place to make timely and just response?

To be sure, there are many other issues to be considered which are outgrowths of the circumstances of August 27 events. Striking Proposal No. 658, 1996 might possibly clear the way for them to be considered on an ad hoc basis without some members of Council being overly concerned about possible political implications and the sources of suggestions and recommendations.

Councillor Talley seconded the motion, and Proposal No. 658, 1996 was stricken by a unanimous voice vote.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 780-787, 1996. Introduced by Councillor Hinkle. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 20, 1996." The Council did not schedule Proposal Nos. 780-787, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 780-787, 1996 were retitled REZONING ORDINANCE NOS. 248-255, 1996, and are identified as follows:

REZONING ORDINANCE NO. 248, 1996. 96-Z-191 (96-DP-20)
2250 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12
RICHARD L. JOHNSON, by Thomas Michael Quinn, requests a rezoning of 50.12 acres, being in the D-A District, to the D-P classification to provide for a senior residential community consisting of two-, four- and eight-unit structures and a 50-unit assisted living facility.

REZONING ORDINANCE NO. 249, 1996. 96-Z-172 (Amended)
2529-2533 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21
METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.37 acre, being in the I-3-U District, to the C-5 classification to conform the zoning classification to the recommendations of the Highland-Brookside Neighborhood Plan.

REZONING ORDINANCE NO. 250, 1996. 96-Z-200
2333 NORTH CENTRAL AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
ZION UNITY MISSIONARY BAPTIST CHURCH requests a rezoning of 1.00 acre, being in the D-8 District, to the SU-1 classification to provide for the construction of a church.

REZONING ORDINANCE NO. 251, 1996. 96-Z-211
1313 SOUTH POST ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
INDY PARKS requests a rezoning of 40 acres, being in the SU-34 District, to the PK-1 classification to provide for park uses.

REZONING ORDINANCE NO. 252, 1996. 96-Z-212
1941 EAST HANNA AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24
INDY PARKS requests a rezoning of 8.141 acres, being in the D-2 and PK-1 Districts, to the PK-1 classification to provide for park uses.

REZONING ORDINANCE NO. 253, 1996. 96-Z-213
902 NORTH ARNOLDA STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

November 25, 1996

INDIANAPOLIS PUBLIC HOUSING AGENCY requests a rezoning of 0.10 acre, being in the C-1 District, to the D-5 classification to provide for the construction of a single-family residence.

REZONING ORDINANCE NO. 254, 1996. 96-Z-217

701-711 SOUTH ILLINOIS STREET and 702-708 SOUTH RUSSELL AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

JAMES D. HOLLY, by Stephen D. Mears, requests a rezoning of 0.30 acre, being in the I-3-U(RC) District, to the D-8(RC) classification to provide for residential development including the conversion of two single-family residences into 2 two-family residences.

REZONING ORDINANCE NO. 255, 1996. 96-Z-221

2002 EAST 38TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # II

GETHSEMANE TEMPLE CHURCH OF GOD IN CHRIST requests a rezoning of 1.26 acres, being in the C-4 District, to the SU-I classification to provide for religious uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 608, 1996. The proposal proposes the rezoning of 0.81 acre at 6001 South Harding Street, being in the D-A(FF) District, to the C-S(FF) classification to provide for the construction of an office/warehouse facility containing 5,500 square feet of building area. Proposal No. 608, 1996 had been scheduled for public hearing on September 30, 1996, and had been postponed twice. Councillor Borst made the following motion:

Mr. President:

The petitioners and remonstrators continue to negotiate a resolution of the rezoning case of 6001 South Harding Street and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 608, 1996 (Rezoning Docket No. 96-Z-74 Amended) be postponed and rescheduled for December 16, 1996.

Councillor Hinkle seconded the motion, and Proposal No. 608, 1996 was postponed until December 16, 1996 by a unanimous voice vote.

PROPOSAL NO. 581, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 581, 1996 on November 19, 1996. The proposal is an appropriation of \$27,956 for the Franklin Township Assessor to allow five full-time employees to reach the midpoint of their pay ranges financed from the County General Fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Smith made the following motion:

Mr. President:

In compliance with IC 36-3-4-13, I move to amend Proposal No. 581, 1996 by changing the amount of the additional appropriation of \$27,956 to the amount of \$2,330, and making the appropriate changes in the distribution of the appropriation.

Councillor McClamroch asked the reason for the amendment. Councillor Smith explained that the original appropriation had been for the entire year, and that the amendment only made

provisions for the the two remaining pay periods of this year, and the pay grade change would go into full effect in 1997.

Councillor Golc asked how long the pay equity question had been a problem in Franklin Township. Councillor Smith stated that it came to his attention during his first year in office approximately five years ago. Councillor Golc asked if any previous attempts had been made to rectify salary grade which have been turned down by the Council. Councillor Smith stated that he did not know of any. He added that there was a very low turnover rate in the Township Assessor's office and without budgeted dollars that would be freed up due to turnovers, the office could not increase salaries internally. Councillor Golc asked if there was a board, possibly the County Compensation Board, where the office could seek relief in order to get the pay equity rather than coming before the Council. The President stated that the Compensation Board monies were not available for this type of allocation. He added that a precedent had been set for this type of equity adjustment, as seen previously in Lawrence and Pike Townships.

Councillor Schneider seconded the motion to amend, and Proposal No. 581, 1996 was amended by a unanimous voice vote.

The President called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Smith, for adoption. Proposal No. 581, 1996, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Franklin, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

3 NOT VOTING: Curry, Gray, Williams

1 ABSENT: Gilmer

Proposal No. 581, 1996, as amended, was retitled FISCAL ORDINANCE NO. 117, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Two Thousand Three Hundred Thirty Dollars (\$2,330) in the County General Fund for purposes of the County Auditor and Franklin Township Assessor 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, n) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Franklin Township Assessor for salary increases and fringes for five (5) full time employees.

SECTION 2. The sum of Two Thousand Three Hundred Thirty Dollars (\$2,330) 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:

COUNTY AUDITOR

1. Personal Services (Fringes)

COUNTY GENERAL FUND

466

November 25, 1996

FRANKLIN TOWNSHIP ASSESSOR

1. Personal Services	<u>1,864</u>
TOTAL INCREASE	2,330

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>2,330</u>
TOTAL REDUCTION	2,330

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

Councillor Schneider reported that the Administration and Finance Committee heard Proposal Nos. 730 and 731, 1996 on November 19, 1996.

PROPOSAL NO. 730, 1996. The proposal authorizes tax anticipation borrowing for the City during the period from January 1, 1997 through December 31, 1997. 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 7:58 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 730, 1996 was adopted on the following roll call vote; viz:

- 19 YEAS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Franklin, Golc, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford*
- 1 NAY: Talley*
- 8 NOT VOTING: Black, Boyd, Brents, Curry, Gray, Jones, Short, Williams*
- 1 ABSENT: Gilmer*

Proposal No. 730, 1996 was retitled FISCAL ORDINANCE NO. 118, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 1996

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Park General Fund during the period January 1, 1997, through December 31, 1997, in anticipation of current taxes levied in the year 1996 and collectible in the year 1997 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

- A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 1996 distributions of Taxes levied for such Account, and the June and December 1996 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Thirty-four Million Eight Hundred Twenty Thousand Nine Hundred Seventy-nine Dollars (\$35,820,979.00) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

- B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1997 distributions of Taxes levied for such Fund, and the June and December 1997 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Four Million Nine Hundred Seventy-three Thousand Seven Hundred Eighty-five Dollars (\$4,973,785.00) and the interest cost of making temporary loans for the Police Pension Fund;
- C. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 1997 distributions of Taxes levied for such Account, and the June and December 1997 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Twenty-eight Million Four Hundred Fifty-two Thousand Two Hundred Fifty Dollars (\$28,452,250.00) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and
- D. that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1997 distributions of Taxes levied for such Fund, and the June and December 1997 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Four Million Four Hundred Eighty-three Thousand Eight Hundred Sixty-four Dollars (\$4,483,864.00) and the interest cost of making temporary loans for the Firemen's Pension Fund; and
- E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 1997 distributions of Taxes levied for such Fund, and the June and December 1997 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Thirteen Million Eight Hundred Thirty-two Thousand Fifty-three Dollars (\$13,832,053.00) and the interest cost of making temporary loans for the Park General Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 1996 and in the course of collection for the year 1997; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Thirty-five Million Eight Hundred Twenty Thousand Nine Hundred Seventy-nine Dollars (\$35,820,979.00) in anticipation of Taxes for the Account for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 1997 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 1997 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 1997 Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Four Million Nine Hundred Seventy-three Thousand Seven Hundred Eighty-five Dollars (\$4,973,785.00) in anticipation of Taxes for the Fund for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 1997 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 1997 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 1997 Budget Fund No. 810, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Twenty-eight Million Four Hundred Fifty-two Thousand Two Hundred Fifty Dollars (\$28,452,250.00) in anticipation of Taxes for the Account for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 1997 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the Consolidated City Fire Force Account, the 1997 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1997 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Four Million Four Hundred Eighty-three Thousand Eight Hundred Sixty-four Dollars (\$4,483,864.00) in anticipation of Taxes for the Fund for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund from the June and December 1997 distributions of Taxes for the Firemen's Pension Fund to the Firemen's Pension Fund, the 1997 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Firemen's Pension Fund 1997 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Thirteen Million Eight Hundred Thirty-two Thousand Fifty-three Dollars (\$13,832,053.00) in anticipation of Taxes for the Fund for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 1997 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 1997 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1997 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund or Account may be issued in one series, designated Series 1997 Warrants ("Series 1997 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1997 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1997 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 1997 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than June 30, 1997. All Series B Warrants and Series 1997 Warrants shall mature and be payable not later than December 31, 1997. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 7. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 7. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 6 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Controller may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller

and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 8. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal \$ _____

CITY OF INDIANAPOLIS
TAX ANTICIPATION TIME WARRANT, SERIES 1997____
(_____ [FUND] [ACCOUNT])

On the ____ day of _____, 1997, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of ____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of ____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1996, and payable in the [first installment] [second installment] for the year 1997 ("Taxes"), which Taxes are now in course of collection for the _____ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$ _____ evidencing a temporary loan in anticipation of the Taxes for the _____.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the ____ day of _____, 1996, for the purpose of providing funds for the _____ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the _____ of the City for the year of 1996, payable in the [first installment] [second installment] for the year 1997, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the manual or facsimile signature of the Mayor, and countersigned by the Controller of

November 25, 1996

the City of Indianapolis, the corporate seal of the City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this ___ day of _____, 1997.

CITY OF INDIANAPOLIS

By: _____
Mayor, City of Indianapolis

COUNTERSIGNED:

By: _____
Controller, City of Indianapolis

ATTEST:

By: _____
Clerk, City of Indianapolis

EXHIBIT A
(Advances)

SECTION 9. The Warrants shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City, countersigned by the Controller of the City, the corporate seal of the City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer, or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 10. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the City represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds or Accounts.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion.

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants the City will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for

federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

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

PROPOSAL NO. 731, 1996. The proposal authorizes tax anticipation borrowing for the County General Fund and the County Family and Children's Fund during the period from January 1, 1997 through December 31, 1997. 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 7:58 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 731, 1996 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford
1 NAY: Talley
2 NOT VOTING: Curry, Williams
1 ABSENT: Gilmer

Proposal No. 731, 1996 was retitled FISCAL ORDINANCE NO. 119, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 1996

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Family and Children's Fund ("Funds") during the period from January 1, 1997, through December 31, 1997, in anticipation of current taxes levied in the year 1996 and collectible in the year 1997 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Family and Children's Fund pending the receipt of Taxes actually levied in 1996 and in the process of collection in 1997, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and:

- A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than Seventy-seven Million Three Hundred Fifty-eight Thousand Eight Hundred Seventy-one Dollars (\$77,358,871.00) and the interest cost of making temporary loans for the County General Fund; and
- B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Twenty-four Million Three Hundred Twenty-one Thousand

November 25, 1996

Six Hundred Sixty-Six Dollars (\$24,321,666.00) and the interest cost of making temporary loans for the County Family and Children's Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1996 and in the course of collection for the year 1997; now, therefore:

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Seventy-seven Million Three Hundred Fifty-eight Thousand Eight Hundred Seventy-one Dollars (\$77,358,871.00) in anticipation of Taxes for the Fund for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 1997 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the maximum principal amount of Twenty-four Million Three Hundred Twenty-one Thousand Six Hundred Sixty-Six Dollars (\$24,321,666.00) in anticipation of Taxes for the Fund for the year 1997, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 1997 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 1997 Warrants ("Series 1997 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1997 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1997 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 1997 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 1997. All Series B Warrants and Series 1997 Warrants shall mature and be payable not later than December 31, 1997. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 4. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 4. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 3 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Auditor may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Commissioners, the Mayor and Auditor are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Auditor and the purchaser of the Warrants at public sale.

SECTION 5. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal \$ _____

MARION COUNTY
TAX ANTICIPATION TIME WARRANT, SERIES 1997 ____
(_____ FUND)

On the ____ day of _____, 1997, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of ____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of ____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1996, and payable from the [first installment] [second installment] for the year 1997 ("Taxes"), which Taxes are now in course of collection for the County _____ Fund, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of _____ Dollars (\$ _____), evidencing a temporary loan in anticipation of the Taxes for the County _____ Fund.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the ____ day of _____, 1996, for the purpose of providing funds for the County _____ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County _____ Fund for the year of 1996, payable in the [first installment] [second installment] for the year 1997, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, The Board of Commissioners of Marion County, Indiana has caused the warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor and attested by the Auditor and the corporate seal of The Board of Commissioners to be hereunto affixed.

Dated this ____ day of _____, 1997.

November 25, 1996

THE BOARD OF COMMISSIONERS OF
MARION COUNTY, INDIANA

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

COUNTERSIGNED:

By: _____
Mayor, City of Indianapolis

ATTEST:

By: _____
Auditor, Marion County

EXHIBIT A
(Advances)

SECTION 6. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 7. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants, the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for

federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

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

PROPOSAL NO. 734, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 734, 1996 on November 14, 1996. The proposal is an appropriation of \$250,000 for the Department of Parks and Recreation to pay for dead tree removal financed by revenues from the Park General Fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President asked how many foresters are employed by the Parks Department. Councillor O'Dell responded that the Department employed three foresters, one superintendent and two staff. The President asked who should be contacted in the event of a fallen tree. Councillor O'Dell recommended calling the Mayor's Action Center first and then the Parks Department.

The President called for public testimony at 8:01 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor O'Dell, for adoption. Proposal No. 734, 1996 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
2 NOT VOTING: Coonrod, Dowden
1 ABSENT: Gilmer

Proposal No. 734, 1996 was retitled FISCAL ORDINANCE NO. 120, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department Of Parks for dead tree removal.

SECTION 2. The sum of additional Two Hundred Fifty Thousand Dollars (\$250,000) 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	250,000
TOTAL INCREASE	250,000

November 25, 1996

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	250,000
TOTAL REDUCTION	250,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 659, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 659, 1996 on November 19, 1996. The proposal is an appropriation transferring \$2,636 in the County General Fund for the County Coroner to increase part-time deputy coroners due to an increased case load. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Golc asked if the increased case load was connected to the increase in the number of homicides. Councillor Schneider stated that the coroner had given this as the reason for the increased case load. Councillor Golc stated that the increase in the number of homicides is alarming, and that safety is an issue in the City.

Councillor Schneider added that another factor in the increased case load is due to a death of one of the Deputy Coroners.

Councillor Franklin asked how many part-time Deputy Coroners were being added with this appropriation. Councillor Schneider stated that the appropriation was only for the last month of the year, and was for two part-time positions. Councillor Franklin asked how many hours a week these coroners would work. Councillor Schneider stated that they are on 24-hour call and it would depend upon the number of calls, but that an average estimate would be about 25 hours a week.

Councillor McClamroch asked from where the funding for this appropriation comes. Councillor Schneider stated that the appropriation is a transfer within the Coroner's budget.

Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 659, 1996 was adopted on the following roll call vote; viz:

27 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*
1 NAYS: *Gray*
1 ABSENT: *Gilmer*

Proposal No. 659, 1996 was retitled FISCAL ORDINANCE NO. 121, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Two Thousand Six Hundred Thirty-

six Dollars (\$2,636) in the County General Fund for purposes of the County Coroner and reducing certain other appropriations for that agency.

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(g) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Coroner for increased part-time Deputy Coroners and increased case loads.

SECTION 2. The sum of Two Thousand Six Hundred Thirty-six Dollars (\$2,636) 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>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	2,636
TOTAL INCREASE	2,636

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

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	2,636
TOTAL DECREASE	2,636

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

PROPOSAL NO. 700, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 700, 1996 on November 18, 1996. The proposal amends the Zoning Ordinance of Marion County concerning *nonconforming uses* (96-AO-4). Councillor Hinkle recognized Ed Mitro, Department of Metropolitan Development, for all of his hard work on this proposal. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Williams, for adoption.

Councillor Moriarty Adams asked if a purchase penalty was attached to certification. Mr. Mitro stated that there is no penalty, but the petitioner still may have to go through the variance process. Councillor Moriarty Adams asked if coming forward was based on good faith. Mr. Mitro stated that it is, and that those who do not come forward will receive citations. Councillor Moriarty Adams asked the price of the certification. Mr. Mitro stated that there is a \$50 fee for reviewing and providing the certification.

Councillor Schneider stated for the record that the cut-off date is listed as April 8, 1968, and that he had suggested the date be changed to July 1, which would be the mid-way point of the year. He added that due to the appropriate approval process, he will not make a motion to amend at this time.

November 25, 1996

Proposal No. 700, 1996 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gray, Hinkle, Jones, Massie, McClamroch, Moores, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

3 NAYS: Golc, Moriarty Adams, O'Dell

1 NOT VOTING: Schneider

1 ABSENT: Gilmer

Proposal No. 700, 1996 was retitled GENERAL ORDINANCE NO. 173, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 173, 1996

METROPOLITAN DEVELOPMENT COMMISSION

DOCKET NO. 96-AO-4

THE ZONING ORDINANCE

FOR MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend certain sections of: A. the Revised Code of the Consolidated City and County; and B. the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, prior to the adoption of Acts 1955, Chapter 283, the City of Indianapolis, the County of Marion, and many smaller towns and cities, operated under different sets of land use and zoning regulations; and,

WHEREAS, the Metropolitan Plan Commission and the Metropolitan Development Commission has over the past thirty-eight years adopted numerous amendments to Marion County Council Ordinance No. 8-1957 for the purpose of zoning and districting all lands within the County; and,

WHEREAS, through the process of significant modifications of the various zoning classifications and the creation and elimination of various zoning classifications since the adoption of Marion County Council Ordinance No. 8-1957, many properties existing prior to the amendments of the various zoning ordinances are now not conforming to the current ordinances governing land use; and,

WHEREAS, many properties become nonconforming in the years after World War II when structures were converted by adding living units in order to provide housing opportunities for returning veterans; and,

WHEREAS, in many cases, this conversion was accomplished without receiving proper zoning approvals, yet received tacit approval from the community; and,

WHEREAS, many nonconforming properties have changed ownership several times over the ensuing years, resulting in a situation where the owner who made the property nonconforming avoids responsibility, but the current owner bears the burden of bringing the property into compliance; and,

WHEREAS, due to significant changes in the manner of record keeping within the City of Indianapolis, official data concerning building permits and variance petitions prior to Unigov (1970) can be incomplete or unreliable; and,

WHEREAS, it is the desire of the Metropolitan Development Commission, and in the best interest of the general public, that the interpretation of laws and ordinances be as certain as possible; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the community by providing certainty as to the enforcement of alleged zoning use violations occurring prior to a specifically expressed date and ordinance, now therefore:

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

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731, Sec. 731-200 (adopted under Metropolitan Development Commission docket numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, and 95-AO-8), as amended, pursuant to IC 36-7-4 be amended by inserting the underlined text to read as follows:

Sec. 731-200

(9) Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.

a. A nonconforming use in a district of the Dwelling District Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 66-AO-2) shall be deemed to be legally established (relative to both use and development standards) if the use:

1. existed prior to April 8, 1969; and
2. has continued to exist from April 8, 1969 to the present; and
3. has not been abandoned; and
4. of the entire building has not been vacant voluntarily for any period of three hundred and sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969 have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

c. Sec. 731-200 (9) shall:

1. have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
2. not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
3. not apply to a property if written records of the:
 - Health and Hospital Corporation of Marion County;
 - fire department having jurisdiction over the property;
 - local law enforcement agency or agencies having jurisdiction over the property;
 - or,
 - Indiana Department of Environmental Management or Department of Natural Resources

November 25, 1996

for the twenty-four (24) month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

d. Definition of significant violation. For purposes of this provision, a violation is defined to be significant as:

- Any outstanding violation or three or more separate citations from any of the health and safety agencies referred to in Sec. 731-200 (9) c (3) of this ordinance; or,
- Any citation or violation of Sections 302, 304, 310, 311, 313, and 701, as amended, of Chapter 10 the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or,
- One or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

SECTION 2. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, 94-AO-7, and 96-AO-1), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

8. Legal Establishment of Nonconforming Uses That Were Not Legally Initiated Prior to April 8, 1969.

a. A nonconforming use in a district of the Commercial Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 69-AO-1) shall be deemed to be legally established (relative to both use and development standards) if the use:

- (1) existed prior to April 8, 1969; and,
- (2) has continued to exist from April 8, 1969 to the present; and,
- (3) has not been abandoned; and,
- (4) of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969 must have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

c. Section 2.00, A, 8 shall:

- (1) have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).

- (2) not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
- (3) not apply to a property if written records of:
 - Health and Hospital Corporation of Marion County;
 - fire department having jurisdiction over the property;
 - local law enforcement agency or agencies having jurisdiction over the property; or,
 - Indiana Department of Environmental Management or Department of Natural Resources

for the twenty-four (24) month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

- d. Definition of *significant violation*. For purposes of this provision, a violation is defined to be significant as:
 - Any outstanding violation or three or more separate citations from any of the Health and Safety agencies referred to in Section 2.00, A, 8, c, (3) of this ordinance; or,
 - Any citation or violation of Sections 302, 304, 310, 311, 313, and 701 of Chapter 10 the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or,
 - One or more convictions of a tenant, owner or lessee for criminal activities occurring on the property.

SECTION 3. The Industrial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 1 (adopted under Metropolitan Development Commission docket numbers 63-AO-4, 67-AO-7, 73-AO-2, 80-AO-3, and 96-AO-3), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A, 3 be amended by adding the following language:

g. Legal Establishment of Nonconforming Uses That Were Not Legally Initiated Prior to April 8, 1969.

- (1) A nonconforming use in a district of the Industrial Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 63-AO-4) shall be deemed to be legally established (relative to both use and development standards) if the use:
 - i. existed prior to April 8, 1969; and,
 - ii. has continued to exist from April 8, 1969 to the present; and,
 - iii. has not been abandoned; and,
 - iv. of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- (2) Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969 must have been done in conformity with these regulations and have been done for uses permitted

November 25, 1996

by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

(3) Section 2.00, A, 3, g shall:

- i. have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
- ii. not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
- iii. not apply to a property if written records of:
 - Health and Hospital Corporation of Marion County;
 - fire department having jurisdiction over the property;
 - local law enforcement agency or agencies having jurisdiction over the property; or,
 - Indiana Department of Environmental Management or Department of Natural Resources

for the twenty-four (24) month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety, or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

(4) Definition of *significant violation*. For purposes of this provision, a violation is defined to be significant as:

- Any outstanding violation or three or more separate citations from any of the Health and Safety agencies referred to in Section 2.00, A, 3, g, c, (3) of this ordinance; or,
- Any citation or violation of Sections 302, 304, 310, 311, 313, and 701 of Chapter 10 the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or,
- One or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

SECTION 4. The Central Business District Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 2 (adopted under Metropolitan Development Commission docket numbers 64-AO-1, 81-AO-4, 93-AO-1, 94-AO-1, and 95-AO-4 [Central Business Districts Zoning Ordinance]; and 68-AO-7, 81-AO-8, and 85-AO-1 [CBD-Special Development District]), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00 be amended by adding the following language:

4. Legal Establishment of Nonconforming Uses That Were Not Legally Initiated Prior to April 8, 1969.

a. A nonconforming use in a district of the Central Business District Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 64-AO-1 [Central Business Districts Zoning Ordinance], and 68-AO-7 [CBD-Special Development District]) shall be deemed to be legally established (relative to both use and development standards) if the use:

- (1) existed prior to April 8, 1969; and,

Journal of the City-County Council

- (2) has continued to exist from April 8, 1969 to the present;
- (3) has not been abandoned; and,
- (4) of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after the specific dates noted in a. (1) above must have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

c. Section 2.00, 4 shall:

- have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, of the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
- not relieve any property of the obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

SECTION 5. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 7 (adopted under Metropolitan Development Commission docket numbers:

Park Districts Zoning Ordinance: 69-AO-2,
Hospital Districts Zoning Ordinance: 68-AO-8, 73-AO-3,
University Quarter Zoning Ordinance: 66-AO-6, 73-AO-5,
Special Use Districts Zoning Ordinance: 66-AO-3, 67-AO-5, 68-AO-13, 78-AO-1, 94-AO-4, 94-AO-7,
95-AO-12,
Special Districts Zoning Ordinance: 94-AO-3, 95-AO-3, 95-AO-12, 96-AO-1),

as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

3. Legal Establishment of Nonconforming Uses That Were Not Legally Initiated Prior to April 8, 1969.

a. A nonconforming use in a Parks, Hospital, University Quarter and Special Use District (as adopted by the Metropolitan Development Commission under docket numbers: 69-AO-2 [Park Districts], 68-AO-8 [Hospital Districts], 66-AO-6 [University Quarter Districts], 66-AO-3 [Special Use Districts]) shall be deemed to be legally established (relative to both use and development standards) if the use:

- (1) shall have existed prior to April 8, 1969; and,
- (2) has continued to exist from April 8, 1969 to the present; and,
- (3) has not been abandoned; and,
- (4) of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

November 25, 1996

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring during the period after the specific dates noted in a. (1) above must have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.
- c. Section 2.00, A, 3 shall:
 - have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 - not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

SECTION 6. Regional Center - North Meridian Corridor Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 16 (adopted under Metropolitan Development Commission docket numbers 70-AO-3, 70-AO-5, 81-AO-7, 82-AO-2, 92-AO-2, 93-AO-2), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 1.00, A be amended by adding the following language:

3. Legal Establishment of Nonconforming Uses That Were Not Legally Initiated Prior to April 8, 1969.
 - a. A nonconforming use in a Regional Center District of the Regional Center - North Meridian Corridor Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 70-AO-3) shall be deemed to be legally established (relative to both use and development standards) if the use:
 - (1) existed prior to April 8, 1969; and,
 - (2) has continued to exist from April 8, 1969 to the present; and,
 - (3) has not been abandoned; and,
 - (4) of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969 must have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.
- c. Section 1.00, A, 3 shall:
 - have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real

property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).

- not relieve any property of the obligation to comply with conditions and commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

SECTION 7. Severability. If any provision of this Ordinance shall be held invalid, its in-validity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

PROPOSAL NO. 701, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 701, 1996 on November 18, 1996. The proposal is a transfer between characters of \$150,000 in the Redevelopment General Fund to allow correct accounting treatment for certain expenditures in the facade improvement program for the Department of Metropolitan Development, Division of Economic and Housing Development. Councillor Hinkle stated that these are grant dollars available to businesses which apply who wish to change the front appearance of their buildings. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 701, 1996 was adopted on the following roll call vote; viz:

25 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Franklin, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

3 NOT VOTING: Borst, Curry, Golc

1 ABSENT: Gilmer

Proposal No. 701, 1996 was retitled FISCAL ORDINANCE NO. 122, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional One Hundred Fifty Thousand Dollars (\$150,000) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development., Division of Economic and Housing Development and reducing certain other appropriations for that agency.

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 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development., Division of Economic and Housing Development, to allow correct accounting treatment for certain expenditures in the facade improvement program.

SECTION 2. The sum of One Hundred Fifty Thousand Dollars (\$150,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT</u>
<u>DIVISION OF ECONOMIC AND HOUSING DEVELOPMENT</u>	<u>GENERAL FUND</u>
3. Other Services and Charges	150,000
TOTAL INCREASE	150,000

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

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>DIVISION OF ECONOMIC AND HOUSING DEVELOPMENT</u>	<u>REDEVELOPMENT</u> <u>GENERAL FUND</u>
4. Capital Outlay	150,000
TOTAL DECREASE	150,000

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

PROPOSAL NO. 713, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 713, 1996 on November 14, 1996. The proposal approves certain public purpose grants for support of the arts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams explained the Snow Plow program. She stated that the Snow Plow gifted to the City several years ago was sold to the Indianapolis Museum of Art, and the monies from that sale were committed to a fund made available for grants for public art for neighborhood enhancement.

Councillor Schneider asked the amount of money involved in the Snow Plow program. Councillor Williams stated that the total was around \$123,000, and that the largest grant that could be given for a particular project is \$25,000, and that matching in-kind contributions had to be raised for these not-for-profit projects.

Councillor Schneider asked how much of this grant money is tax dollars. Councillor Shambaugh replied that none of it is. Councillor Williams added that the Snow Plow was a gift, and the fund consists solely of that gift. Councillor McClamroch stated that the money from the sale of the Snow Plow was earmarked to be spent solely on arts projects, and a committee had been set up to decide what projects would receive grants.

Councillor Bradford asked if the art projects are insured. Councillor Williams stated that the not-for-profit organizations involved in these projects are responsible for the maintenance and upkeep.

Councillor Shambaugh moved, seconded by Councillor Williams, for adoption. Proposal No. 713, 1996 was adopted on the following roll call vote; viz:

25 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
3 NOT VOTING: Borst, Dowden, Golc
1 ABSENT: Gilmer

Proposal No. 713, 1996 was retitled GENERAL RESOLUTION NO. 15, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 15, 1996

A GENERAL RESOLUTION approving certain public purpose grants for support of the arts.

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

SECTION 1. The following grant totaling Four Thousand Five Hundred Dollars (\$4,500) approved by General Resolution No. 122, 1996 of the Board of Parks and Recreation for support of the arts is approved for the following organization:

<i>1996 Public Purpose Local Arts Grant</i>	<i>Amount</i>
Pogue's Run Neighborhood Association Grant	\$4,500

SECTION 2. This resolution is adopted in satisfaction of the requirements of Sec. 4.01.(c) of the Annual Budget for 1996 (Fiscal Ordinance No. 86. 1995).

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 38-3-4-14.

PROPOSAL NO. 732, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 732, 1996 on November 19, 1996. The proposal determines that the lease of 11,555 square feet of office space at 148 East Market Street for the Department of Administration is necessary. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 732, 1996 was adopted on the following roll call vote; viz:

27 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*
0 NAYS:
1 NOT VOTING: *Golc*
1 ABSENT: *Gilmer*

Proposal No. 732, 1996 was retitled SPECIAL RESOLUTION NO. 72, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 1996

A PROPOSAL FOR A SPECIAL RESOLUTION determining that the lease of 11,555 square feet of office space at 148 East Market Street, Indianapolis, Indiana, is needed for the Department of Administration and other City departments and County officials and agencies.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Department of Administration and other City departments and County officials and agencies is necessary.

SECTION 2. The property located at 148 East Market Street, Indianapolis, Indiana, is owned by Pierpont Associates, L.L.C.. Gary Aletto, Carl Brehob, Albert M. Donato, Jr., R. Dale Lentz, and Robert S. Schaler each own a ten (10) percent or more equity interest in Pierpont Associates, L.L.C..

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

November 25, 1996

PROPOSAL NO. 733, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 733, 1996 on November 14, 1996. The proposal is an appropriation reduction of \$933,424 for the Department of Parks and Recreation from the Park General Fund as part of financing for the 1997 annual budget. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Sue Patterson, Chief Financial Officer of the Parks Department, stated that this proposal is a reduction in the budget in order to keep the budget balanced.

Councillor Shambaugh made the following motion:

Mr. President:

I move that City-County Council Proposal No. 733, 1996, Section 2, be amended by revising the number in Character 01 from \$184,177 to \$0, and in Character 03 from \$48,156 to \$232,333.

Councillor Black asked if this proposal would necessitate the layoff of personnel. Ms. Patterson stated that no employees had been laid off, and that six more employees are currently at risk, but that the Parks Department is working within the City to place these employees in other positions. She added that seven of the ten in her division had already been placed in other positions, and the Department does not anticipate any personnel being laid off.

Councillor O'Dell seconded the motion to amend, and Proposal No. 733, 1996 was amended by a unanimous voice vote.

Councillor Shambaugh moved, seconded by Councillor Golc, for adoption. Proposal No. 733, 1996, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
1 ABSENT: Gilmer

Proposal No. 733, 1996, as amended, was retitled FISCAL ORDINANCE NO. 123, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) by reducing appropriation by Nine Hundred Thirty Three Thousand Four Hundred Twenty Four Dollars (\$933,424) for the Department of Parks and Recreation in the Park General Fund.

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

SECTION 1. To reflect reduction in proposed expenditures since the adoption of the annual budget. Section 1.01 of the City-County Annual Budget for 1996 be, and is hereby, amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	0
2. Supplies	216,889
3. Other Services and Charges	232,333
4. Capital Outlay	238,842
5. Internal Charges	<u>245,360</u>
TOTAL REDUCTION	933,424

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

PROPOSAL NO. 735, 1996. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 735, 1996 on November 14, 1996. The proposal is a transfer of \$10,000 in the State Grant Fund for the Department of Parks and Recreation to pay for Perry Park tree removal. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Shambaugh moved, seconded by Councillor O'Dell, for adoption. Proposal No. 735, 1996 was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*
 1 NAYS: *Golc*
 1 NOT VOTING: *Black*
 1 ABSENT: *Gilmer*

Proposal No. 735, 1996 was retitled FISCAL ORDINANCE NO. 124, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Ten Thousand Dollars (\$10,000) in the State Grant Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that agency.

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 (o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for Perry Park tree removal.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANT FUND</u>
3. Other Services and Charges	<u>10,000</u>
TOTAL INCREASE	10,000

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

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANT FUND</u>
4. Capital Outlay	<u>10,000</u>
TOTAL DECREASE	10,000

November 25, 1996

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

PROPOSAL NO. 746, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 746, 1996 on November 21, 1996. The proposal approves fees for IMAGIS Land-Base Map in read-only non-transferable format. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President asked what the anticipated fees would be in 1997. Ted Rhinehart, Deputy Director, stated that a rough estimate would be \$20,000 to \$30,000 in the first year. He added that current total funding, which consists primarily of memberships, is \$400,000, and that map sales are a very small percentage of the total funding.

Councillor Coughenour moved, seconded by Councillor Cockrum, for adoption. Proposal No. 746, 1996, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

1 NOT VOTING: Coonrod

1 ABSENT: Gilmer

Proposal No. 746, 1996, as amended, was retitled GENERAL ORDINANCE NO. 174, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 174, 1996

A GENERAL ORDINANCE amending the Revised Code, approving uniform fees established by the Indianapolis Mapping and Geographic Infrastructure System ("IMAGIS") Board on behalf of the Department of Public Works for copies of the City layers of the IMAGIS Land Base Map in read-only non-transferable format.

WHEREAS, the City of Indianapolis, by and through several of its departments, other governmental entities, the local university and four utilities serving the public in Indianapolis area have implemented a computerized Automated Mapping/Facilities Management program to provide a geographic based information system for planning, engineering, utility and related public service activities, which project is called Indianapolis Mapping and Geographic Infrastructure System ("IMAGIS"); and

WHEREAS, IMAGIS is controlled by a consortium of entities acting pursuant to the IMAGIS Service Agreement, dated as of January 1, 1996, entered into by and between the Trustees of Indiana University, the Department of Metropolitan Development, the Department of Capital Asset Management, Department of Public Works, the Department of Parks and Recreation, the Department of Public Safety, the Mayor's Action Center, the Department of Administration, the Office of the Controller, the Health and Hospital Corporation of Marion County, the County of Marion, Indiana, Indiana Bell Telephone Company doing business as Ameritech Indiana, Indianapolis Power & Light Company, Indianapolis Water Company, the Board of Directors for Utilities of the Department of Public Utilities of the City of Indianapolis as Successor Trustee of a Public Charitable Trust, doing business as Citizens Gas & Coke Utility, and American Cablevision, a division of Time Warner Cable (the foregoing parties to the IMAGIS Service Agreement shall be hereafter referred to as the "IMAGIS Participants"); and

WHEREAS, all activities related to the implementation of the IMAGIS Service Agreement are under the management and control of the IMAGIS Board established by the IMAGIS Service Agreement; and

WHEREAS, pursuant to Articles 2.7.3.1 and 2.7.3.2 of the IMAGIS Service Agreement, the IMAGIS Board is authorized to adopt policies with respect to the use and sale of the "IMAGIS" Land Base Map" and "Deliverables," as such terms are defined in the IMAGIS Service Agreement, by and to "Participants" in the IMAGIS Project, as well as members of the public; and

WHEREAS, the Department of Public Works of the City of Indianapolis ("DPW"), one of the Participants under the IMAGIS Service Agreement, is a "public agency" as defined in IC 3-14-3-2, and the owner of, and holder of the copyrights on, the IMAGIS Land Base Map; and

WHEREAS, the IMAGIS Board, pursuant to the IMAGIS Service Agreement and IC 5-14-3-8, adopted IMAGIS Board Resolution No. ___, 1996, a copy of which is attached hereto as Exhibit 1, establishing, on behalf of DPW, uniform fees for providing for the copying of all or a portion of the IMAGIS Land Base Map, in a read-only non-transferable format, which fees are based upon a reasonable percentage of IMAGIS' direct cost of maintaining, upgrading and enhancing the IMAGIS Land Base Map, in addition to the direct cost of IMAGIS of supplying all or a portion of the IMAGIS Land Base Map in this form; and

WHEREAS, IC 5-14-3-8(j) provides that the Fees set by the IMAGIS Board, on behalf of DPW, are subject to the approval of this Council; now therefore:

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

SECTION 1. Section 131-601 of the Revised Code of the Consolidated City and County, be and is hereby amended by adding the inserted language and deleting the stricken through language to read as follows:

CHAPTER 131

ARTICLE VI-MISCELLANEOUS FEES

Sec. 131-601. (a) The Electronic Map Inspection and Copying Fees, as established by IMAGIS Board Resolution No. 5-1993 ~~a copy of which is attached hereto as Exhibit 1~~ are hereby approved. The fees for the inspection or copying of all or any portion of the IMAGIS Land Base Map by non-IMAGIS "Participants," as that term is defined in the IMAGIS Services Agreement, shall consist of (a) an Electronic Map Maintenance Fee and (b) a Processing Fee as hereafter set forth, except as provided in paragraph c.

(1a) *Electronic Map Maintenance Fee.* This portion of the Electronic Map Inspection or Copying Fees shall consist of a charge of \$0.04 per acre per layer of data inspected or copied. If the Electronic Map Maintenance Fee for any individual request would exceed the price of a single layer of data countywide (327,000 acres), the person or entity making such request may request to become an "Associate Participant" pursuant to Article 2.7.4.2 of the Service Agreement and any applicable Resolutions adopted by the IMAGIS Board and in effect at the time. Pursuant to IC 5-14-3-8(k), the Electronic Map Maintenance Fee shall be waived if inspection or copying of the IMAGIS Land Base Map is for Noncommercial Purposes.

(2b) *Processing Fee.* This portion of the Electronic Map Inspection or Copying Fees shall include all direct costs of IMAGIS incurred in supplying the IMAGIS Land Base Map in the form requested by the purchaser, including, but not limited to, a fee of \$50.00 per plot where the information is provided in a hard-copy format, and a fee of \$50.00 per hour or any portion thereof devoted to processing the particular request where the information is provided in digital format.

(b) Future changes in such Fees made by the IMAGIS Board in an amendment to IMAGIS Board Resolution No. 5-1993 shall be deemed approved by this Council so long as such Fees (a) are changed no more than one time annually, (b) are based on no greater than 100 percent of IMAGIS' estimated annual direct costs of maintaining, upgrading and enhancing the IMAGIS Land Base Map (in addition to the direct cost of supplying all or a portion of the IMAGIS Land Base Map in the form requested), (c) the Electronic Map Maintenance Fee does not increase by more than \$0.005 per acre per layer annually, and (d) the fee per plot when the information is provided in a hard-copy format and the fee per hour or any portion thereof devoted to processing the particular request when the information is provided in digital format do not increase by more than 10% annually.

November 25, 1996

(c)(1) The fee for the IMAGIS Land Base Map in read-only non-transferable format is as follows:

<u>1 township</u>	<u>\$ 75</u>
<u>4 townships</u>	<u>255</u>
<u>9 townships</u>	<u>505</u>

(c)(2) The fee for the IMAGIS Land Base Map in read-only non-transferable format is reduced as follows when the use will be only for Noncommercial Purposes such as public agency program support, non-profit activities, journalism, or academic research:

<u>1 township</u>	<u>\$ 33</u>
<u>4 townships</u>	<u>112</u>
<u>9 townships</u>	<u>221</u>

EXHIBIT 1

IMAGIS BOARD RESOLUTION NO. 5-1993

A RESOLUTION ADOPTING UNIFORM FEES
FOR PROVIDING FOR INSPECTION OR COPIES
OF THE IMAGIS LAND BASE MAP
TO NON-IMAGIS PARTICIPANTS

WHEREAS, pursuant to Articles 2.7.3.1 and 2.7.3.2 of the IMAGIS Services Agreement dated January 1, 1991, as amended ("IMAGIS Services Agreement"), the IMAGIS Board is authorized to adopt policies with respect to the use and sale of "the IMAGIS Land Base Map" and "Deliverables," as such terms are defined in the IMAGIS Services Agreement, by and to "Participants" in the IMAGIS Project, as well as members of the public; and

WHEREAS, the Department of Public Works of the City of Indiana ("DPW"), one of the Participants under the IMAGIS Service Agreement, is a "public agency" as defined in IC 5-14-3-2, and the owner of, and holder of the copyright on the IMAGIS Land Base Map; and

WHEREAS, IC 5-14-3-8(j) provides that a public agency, such as DPW, may charge a fee for providing for inspection or copies of an "Electronic Map," which term is defined as "copyrighted data provided by a public agency from an electronic geographic information system"; and

WHEREAS, the IMAGIS Land Base Map is an "Electronic Map" as defined in IC 5-14-3-8(j); and

WHEREAS, IC 5-14-3-8(j) also provides that the fee for providing for inspection or copies of all or a portion of the IMAGIS Land Base Map may be comprised of (1) a fee, uniform to all purchasers, based upon a reasonable percentage of the direct cost of maintaining, upgrading, and enhancing the IMAGIS Land Base Map ("Electronic Map Maintenance Fee"), and (2) the direct cost of supplying the IMAGIS Land Base map, or portion thereof, in the form requested by the purchaser ("Processing Fee") (which fees are referred to collectively herein as the "Electronic Map Inspection or Copying Fees"); and

WHEREAS, pursuant to IC 5-14-3-8(j), the Electronic Map Inspection or Copying Fees established by the IMAGIS Board, on behalf of DPW, are subject to the approval of the City-County Council of the City of Indianapolis and Marion County ("City-County Council"); and

WHEREAS, pursuant to IC 5-14-3-8(k), the Electronic Map Maintenance Fee shall be waived if inspection or copying of the IMAGIS Land Base Map will be for the following noncommercial purposes: public agency program support; nonprofit activities; journalism; or academic research ("Noncommercial Purposes"); and

WHEREAS, the IMAGIS Board, on behalf of DPW, desires to establish Electronic Map Inspection or Copying Fees, subject to the approval of the City-County Council, to ensure that the public purposes of

IMAGIS will continue to be served, and that the private purposes or benefits of IMAGIS or the IMAGIS Land Base Map are not conferred to the detriment of IMAGIS' public purposes; and

WHEREAS, the IMAGIS Board believes that a uniform Electronic Map Maintenance Fee of \$0.04 for inspection and/or copying of each acre of each layer of the IMAGIS Land Base Map, which fee is equal to the estimated \$400,000 estimated annual cost of maintaining, upgrading, and enhancing the IMAGIS Land Base Map divided by the current 9,318,000 acre layers of the IMAGIS Land Base Map, is based upon a reasonable percentage of the cost of maintaining, upgrading, and enhancing the IMAGIS Land Base Map; and

WHEREAS, the IMAGIS Board believes that a Processing Fee consisting of a plotting charge of \$50.00 per plot, a processing charge of \$50.00 per hour or any portion thereof and all other direct costs incurred by IMAGIS for supplying the IMAGIS Land Base Map for inspection or copying in the form requested by the purchaser, will cover the direct cost of supplying the IMAGIS Land Base Map in the form requested by the purchaser; and

WHEREAS, the IMAGIS Board desires to repeal its prior resolutions or portions thereof that may be in conflict herewith:

NOW, THEREFORE, BE IT RESOLVED that:

1. ~~Electronic Map Inspection or Copying Fees.~~ Subject to the approval of the City-County Council, the fees for the inspection or copying of all or any portion of the IMAGIS Land Base Map by non-IMAGIS "Participants," as that term is defined in the IMAGIS Services Agreement, shall consist of (a) an Electronic Map Maintenance Fee and (b) a Processing Fee as hereafter set forth.

(a) ~~Electronic Map Maintenance Fee.~~ This portion of the Electronic Map Inspection or Copying Fees shall consist of a \$0.04 per acre per layer of data inspected or copied. If the Electronic Map Maintenance Fee for any individual request would exceed the price of a single layer of data county-wide (327,000 acres), the person or entity making such request may request to become an "Associate Participant" pursuant to Article 2.7.4.2 of the Service Agreement and any applicable Resolutions adopted by the IMAGIS Board and in effect at the time. The Board finds and determines that such Electronic Map Maintenance Fee is based upon a reasonable percentage of IMAGIS' direct cost of maintaining, upgrading, and enhancing the IMAGIS Land Base Map. Pursuant to IC 5-14-3-8(k), the Electronic Map Maintenance Fee shall be waived if the inspection or copying of the IMAGIS Land Base Map is for Noncommercial Purposes.

(b) ~~Processing Fee.~~ This portion of the Electronic Map Inspection or Copying Fees shall include all direct costs of IMAGIS incurred in supplying the IMAGIS Land Base Map in the form requested by the purchaser, including, but not limited to, a fee of \$50.00 per plot where the information is provided in a hard-copy format, and a fee of \$50.00 per hour or any portion thereof devoted to processing a particular request where the information is provided in digital format.

2. ~~IMAGIS Electronic Map Generation Fund.~~ Following the approval of the forgoing Electronic Map Inspection or Copying Fees by the City-County Council, such Fees shall be collected by the IMAGIS Director on behalf of DPW and deposited into the IMAGIS Electronic Map Generation Fund, to be established by the City-County Council and administered by DPW pursuant to IC 5-14-3-8.5. The IMAGIS Electronic Map Generation Fund shall be a dedicated fund and the fees deposited therein shall be used only for (a) the maintenance, upgrading, and enhancement of the IMAGIS Land Base map and (b) the reimbursement of expenses incurred by IMAGIS in supplying all or a portion of the IMAGIS Land Base Map in the form requested by the purchaser.

3. ~~Repeal of Prior Resolutions.~~ IMAGIS Board Resolution No. 2-1991 adopted on August 13, 1991 and IMAGIS Board Resolution No. 2-1992 adopted on September 27, 1992 are repealed effective on the effective date of the Ordinance adopted by the City-County Council of Indianapolis and Marion County approving the Electronic Map Inspection or Copying Fees set forth herein.

4. ~~Copyright License.~~ No person or entity shall be entitled to obtain a copy of the IMAGIS Land Base Map or any portion thereof for use for any purpose other than Noncommercial Purposes until such time as such person or entity has paid all applicable Electronic Map Inspection or Copying Fees and has entered into a copyright licensing agreement with DPW in the form attached hereto as Exhibit A. No person or entity shall be entitled to obtain a copy of the IMAGIS Land Base Map or any portion thereof for Noncommercial Purposes until such time as such person or entity has paid all applicable Processing Fees and has entered into a copyright licensing agreement with DPW in the form attached hereto as Exhibit A.

November 25, 1996

~~ADOPTED this 21st day of December, 1993.~~

IMAGIS BOARD

By _____
Chairman, IMAGIS Board

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

EXHIBIT 1

IMAGIS BOARD RESOLUTION NO. ____, 1996

A RESOLUTION ADOPTING UNIFORM FEES FOR PROVIDING
THE IMAGIS LAND BASE MAP IN READ-ONLY
NON-TRANSFERABLE FORMAT TO NON-IMAGIS PARTICIPANTS

WHEREAS, pursuant to Articles 2.7.3.1 and 2.7.3.2 of the IMAGIS Service Agreement dated January 1, 1996 ("IMAGIS Service Agreement"), the IMAGIS Board is authorized to adopt policies with respect to the use and sale of the "IMAGIS Land Base Map" and "Deliverables," as such terms are defined in the IMAGIS Service Agreement, by and to "Participants" in the IMAGIS project, as well as members of the public; and

WHEREAS, the Department of Public Works ("DPW"), one of the Participants under the IMAGIS Service Agreement, is a "public agency" as defined in IC 5-14-3-2, and the owner and holder of the copyright on the IMAGIS Land Base Map; and

WHEREAS, IC 5-14-3-8(j) provides that a public agency, such as DPW, may charge a fee for providing inspection or copies of an "Electronic Map," which term is defined as "copyrighted data provided by a public agency from an electronic geographic information system"; and

WHEREAS, the IMAGIS Land Base Map is an "Electronic Map" as defined in IC 5-14-3-2; and

WHEREAS, IC 5-14-3-8(j) also provides that the fee for providing for inspection or copies of all or a portion of the IMAGIS Land Base Map may be comprised of (1) a fee, uniform to all purchasers, based upon a reasonable percentage of the direct cost of maintaining, upgrading, and enhancing the IMAGIS Land Base Map, and (2) the direct cost of supplying the IMAGIS Land Base Map, or a portion thereof, in the form requested by the purchaser; and

WHEREAS, pursuant to IC 5-14-3-8(j), such fees established by the IMAGIS Board, on behalf of DPW, are subject to approval of the City County Council; and

WHEREAS, in January 1994, the City County Council approved the establishment of Electronic Map Inspection and Copying Fees; and

WHEREAS, the IMAGIS Board believes additional fees should be established to provide for the sale of all or a part of the IMAGIS Land Base Map in a specific form, namely a read-only non-transferable format; and

WHEREAS, the IMAGIS Board has developed a pricing structure for the sale of all or part of the IMAGIS Land Base Map in read-only non-transferable format, which complies with the requirements for fees under IC 5-14-3-8(j);

NOW, THEREFORE, BE IT RESOLVED that:

I. Subject to the approval of the City County Council, the fee to be paid by non-IMAGIS participants for all or part of the IMAGIS Land Base Map in read-only non-transferable format is as follows:

Fee for Non-IMAGIS Participants for Sale of Less than 1800 Units

<u>Townships/Units</u>	<u>Fee</u>	<u>Cost of Reproduction</u>	<u>Cost of Data</u>
1-3 townships	\$ 75	\$ 45	\$ 30
4-8 townships	255	153	102
9 townships	505	302	203

Fee for Non-IMAGIS Participants for sale of More than 1800 Units

<u>Townships/Units</u>	<u>Fee</u>	<u>Cost of Reproduction</u>	<u>Cost of Data</u>
1-3 townships	\$ 75	\$ 33	\$ 42
4-8 townships	255	112	143
9 townships	505	221	284

2. The Board finds that the component of the fee attributable to the "Cost of Data" does not exceed a reasonable percentage of the direct cost of maintaining, upgrading, and enhancing the IMAGIS Land Base Map. The Board finds that the component of the fee attributable to the "Cost of Reproduction" does not exceed the direct cost of supplying the IMAGIS Land Base Map in a read-only non-transferable format.

3. Pursuant to IC 5-14-3-8(k), the Board finds that the component of the fee attributable to the "Cost of Data" shall be waived and the fee shall be reduced by that amount if the use of the IMAGIS Land Base Map will be for non-commercial purposes, such as public agency program support, non-profit activities, journalism, or academic research.

ADOPTED this 29th day of October, 1996.

IMAGIS BOARD

By _____
Chairman, IMAGIS Board

PROPOSAL NO. 747, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 747, 1996 on November 21, 1996. The proposal approves an agreement between the City of Indianapolis and Boone County Utilities, LLC for wastewater treatment and disposal. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 747, 1996, as amended, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*
1 NAY: *Black*
0 NOT VOTING:
1 ABSENT: *Gilmer*

Proposal No. 747, 1996, as amended, was retitled GENERAL RESOLUTION NO. 16, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 16, 1996

A GENERAL RESOLUTION approving and authorizing execution of an agreement between the City of Indianapolis and Boone County Utilities, LLC for treatment and disposal of wastewater.

WHEREAS, the Board of Asset Management and Public Works by Resolution No. 023,1996 approved an agreement with Boone County Utilities, LLC providing for the City of Indianapolis to transport, treat and dispose of wastewater collected within the service are of Boone County Utilities and authorized the

November 25, 1996

Director of the Department of Public Works to sign said agreement on behalf of the City of Indianapolis;
and

WHEREAS, said agreement is in the best interests of the City; now therefore:

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

SECTION 1. The Wastewater Treatment and Disposal Services Agreement between the City of Indianapolis and Boone County Utilities, LLC, as approved by the Board of Asset Management and Public Works by Resolution No. 023,1996 on November 8, 1996, is hereby approved and ratified, and the Clerk is directed to attach a copy of such Board Resolution and Agreement to the official copy of this Resolution, and insert a copy in the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is hereby authorized to execute said Agreement on behalf of the City of Indianapolis.

SECTION 3. The Director of the Department of Public Works is hereby directed to deposit any revenue generated from said Agreement into the Sanitation General Fund to be used to maintain and improve the construction, expansion, upgrade and rehabilitation of the City's wastewater transportation and treatment system within Marion County.

PROPOSAL NO. 729, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 729, 1996 on November 21, 1996. The proposal supports an application to the Indiana Enterprise Zone Board for the expansion of the Indianapolis Enterprise Zone. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coonrod stated that he plans to vote against the proposal because it results in a property tax abatement. He added that he had asked Pam King, Director of the Indianapolis Enterprise Zone, at the committee hearing for some numbers and rationale for this abatement and had not received any information to date.

Councillor Jones stated that he had some questions about residents who may be displaced due to inclusion of new businesses within the Zone.

Councillor Borst stated that there are problems with obtaining accurate numbers and that Ms. King had promised to research these numbers. Councillor Williams stated that she did not recall from the committee hearing Councillor Coonrod stipulate a deadline for Ms. King's reply. She added that the area for the Zone was selected because it is a geographical area in which it is very difficult to keep businesses active and expanding. The Zone provides tax incentives for the businesses to remain active and locate within the Zone.

Councillor McClamroch stated that there are several confusing aspects of the way the Enterprise Zone is set up from a statutory standpoint. He added that he supports the Zone and feels the borders should be expanded because it is good for the area.

Councillor Borst moved, seconded by Councillor Williams, for adoption. Proposal No. 729, 1996 was adopted on the following roll call vote; viz:

23 YEAS: *Black, Borst, Boyd, Brents, Cockrum, Coughenour, Curry, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

3 NAYS: *Bradford, Coonrod, Schneider*

2 NOT VOTING: *Dowden, Franklin*

1 ABSENT: *Gilmer*

Proposal No. 729, 1996 was retitled COUNCIL RESOLUTION NO. 56, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 1996

A COUNCIL RESOLUTION supporting an application to the Indiana Enterprise Zone Board for the expansion of the Indianapolis Enterprise Zone.

WHEREAS, IC 4-4-6.1-4 authorizes the creation and modification of enterprise zones to promote employment opportunities, reduce poverty and promote economic development in identified geographic areas; and

WHEREAS, the Indiana Enterprise Zone Board has recognized a portion of the near northeast side of Indianapolis as an enterprise zone and the Urban Enterprise Association of Indianapolis as the entity that governs the Zone; and

WHEREAS, the Urban Enterprise Association of Indianapolis has been asked to expand the Indianapolis Zone boundaries to include 11 businesses for the purpose of initiating a comprehensive revitalization project on property adjacent to the current Zone; and

WHEREAS, if included in the Indianapolis Enterprise Zone, the 11 businesses expect to invest \$18.5 million in the Zone while creating over 138 new jobs; and

WHEREAS, there is not adequate space within the current boundaries of the Indianapolis Enterprise Zone to accommodate this investment, and the area proposed for expansion is adjacent to the Zone; and

WHEREAS, the area proposed for expansion meets the state's threshold eligibility criteria for enterprise zones in that 49% of the area's households have incomes below the federal poverty level, the unemployment rate is 18.7%, the combined number of residents--6,504--does not exceed the state's maximum limit of 8,000, and the total combined area--1.95 square miles--does not exceed the state's maximum limit of three square miles; and

WHEREAS, the Board of Directors of the Urban Enterprise Association of Indianapolis has unanimously approved a resolution to expand the Indianapolis Enterprise Zone; 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 hereby gives its support and endorsement of the efforts by the Urban Enterprise Association of Indianapolis to make application to the Indiana Enterprise Zone Board for modification of the boundaries of the Indianapolis Enterprise Zone.

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

The President stated that since the Enterprise Zone is in Councillor Jones' district, Councillor Jones could possibly investigate ways to make it more effective.

PROPOSAL NO. 750, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 750, 1996 on November 21, 199. The proposal establishes procedures with respect to urban economic areas. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved,

seconded by Councillor Williams, for adoption. Proposal No. 750, 1996 was adopted on the following roll call vote; viz:

28 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

1 ABSENT: Gilmer

Proposal No. 750, 1996 was retitled GENERAL ORDINANCE NO. 175, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 175, 1996

A GENERAL ORDINANCE determining the amount of assistance to be paid to the Urban Enterprise Association of Indianapolis, Inc. by zone businesses receiving a credit under IC 4-4-61 and establishing procedures for disqualification of zone businesses.

BE IT ORDAINED BY THE CITY-COUNTY 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 Article in Chapter 285 to read as follows:

ARTICLE V. URBAN ENTERPRISE ASSOCIATION

Sec. 285-501. Establishment and Purpose. (a) An enterprise zone (Zone) has been designated within the corporate boundaries of the City of Indianapolis, Indiana, by the Indiana Enterprise Zone Board (Board), pursuant to IC 4-4-6.1-399.

(b) House Enrolled Act No. 1084 enacted by the General Assembly of the State of Indiana, and effective as law July 1, 1996, requires the participation of a municipal legislative body such as the City-County Council in certain activities of the Urban Enterprise Association of Indianapolis, Inc. (IUEA) including the determination of the amount of assistance to be paid by any Zone business receiving a credit under IC 4-4-6.1 and the process of disqualifying a Zone business from eligibility for all credits and incentives available to Zone businesses.

(c) Pursuant to IC 4-4-6.1-4, a member of the City-County Council shall serve as a member of the IUEA Board of Directors. The City-County Council recognizes the expertise of the IUEA in administering programs within the Zone and recognizes and respects its experience in working with and securing the compliance of businesses within the Zone in connection with such programs.

Sec. 285-502. (a) It is hereby determined that each Zone business shall be required to pay to the IUEA as assistance to the IUEA under IC 4-4-6.1-2, an annual amount equal to twenty (20%) of any credit received by such business under IC 4-4-6.1 for the preceding year. To the IUEA this amount is payable by May 31 of each year unless other payment arrangements have been made with the IUEA in writing prior to May 31.

(b) It is the present intent of the City-County Council that the level of assistance hereby established shall be in effect until December 31, 1999.

Sec. 285-511. The City-County Council shall, upon recommendation of the IUEA, disqualify a Zone business from Zone benefits and incentives if that business has not assisted the IUEA as provided herein.

Sec. 285-512. Any recommendation made by the IUEA to the City-County Council for the disqualification of a Zone business from Zone benefits and incentives (Disqualification) shall be accompanied by a report detailing efforts made by the IUEA to resolve the issue of the nonpayment of assistance to the IUEA. Prior to making its recommendation to the City-County Council, the IUEA Committee must:

- (1) Contact the Zone business by an initial letter, certified mail, return receipt requested, which shall:
 - a. outline Zone responsibilities with respect to the payment of assistance to the IUEA as provided herein;
 - b. request a verified written summary of the Zone tax benefits and incentives that Zone business has received, and in explanation of the use of those benefits and incentives by the Zone business no later than fifteen (15) days from receipt of the initial letter; and
 - c. request a meeting between the Zone business and the IUEA at which Zone benefits, incentives, and responsibilities will be discussed by the IUEA and the Zone business.
- (2) Offer to allow business to pay required assistance in installments;
- (3) Undertake such additional efforts the IUEA determines useful in resolving the issue of nonpayment of assistance.

Sec. 285-513. Upon its receipt of the IUEA's recommendations for Disqualification, the City-County Council shall refer the same to the City-County Council's attorney for preparation of an ordinance disqualifying a Zone business from eligibility for all credits and incentives available to Zone businesses (Disqualification Ordinance), a notice as provided in Sec. 285-514 and certified mail envelope for mailing the same. The Disqualification Ordinance shall set forth the facts on which the Disqualification is based.

Sec. 285-514. Upon introduction of the Disqualification Ordinance, the City Clerk shall send a copy of the same, by certified mail, return receipt requested, the business at the address provided in the tax records of Marion County and to the businesses Zone address, if that differs. The Clerk shall also enclose with the Disqualification Ordinance sent to the affected Zone business the following notice:

Be advised that the enclosed ordinance has been introduced by the City-County Council of the City of Indianapolis to disqualify (name of business) from all credits and incentives available to Zone businesses. Public hearing will be held on this ordinance on (date) at (time) at (location). You are invited to appear at this public hearing and present testimony and evidence to the Indianapolis City-County Council as to why it should not pass this ordinance.

Sec. 286-515. Within five (5) days of the passage of such a Disqualifying Ordinance by the City-County Council and its approval by the Mayor of the City of Indianapolis, the City Clerk shall provide a certified copy of the Disqualification Ordinance to the IUEA Director who shall cause the same to be sent to the Indiana Enterprise Zone Board, the Indiana Board of Tax Commissioners, the Marion County Auditor and the Indiana Department of Revenue within thirty (30) days of the passage of the Disqualification Ordinance.

Sec. 285-516. Disqualification of a Zone business shall be effective beginning with the taxable year in which the Disqualification Ordinance is passed.

Sec. 285-517. A Zone business disqualified pursuant to a Disqualification Ordinance shall be disqualified from Zone benefits and incentives for one (1) year following the date of Disqualification. A Zone business disqualified pursuant to the Disqualification Ordinance may, no sooner than one (1) year following the date of Disqualification, petition the City-County Council for reinstatement of benefits. A copy of the petition shall be forwarded to the IUEA by the City-County Council, for review and recommendation to the City-County Council. In the event that the City-County Council approves the petition, benefits may be reinstated retroactively to the date of the petition. In the event the City-County Council does not approve the petition, the Zone business may submit another petition for reinstatement of benefits no sooner than one (1) year following the date of the denied petition. If the year following the date of Disqualification would be after the Zone expires under law, the Zone business will be disqualified for the previous year and be subject to repayment of any Zone benefits and incentives received in that year.

Sec. 285-518. The business that is the subject of a Disqualification Ordinance, and its authorized representatives, may review and examine the records of the IUEA and City-County Council concerning

November 25, 1996

the recommendation of Disqualification prior to the public hearing on the Disqualification Ordinance. Pursuant to IC 4-4-6.1-5(b), the Zone business' tax records are confidential and not subject to public disclosure under IC 5-14-3 and the same shall retain their confidential nature notwithstanding the procedures described herein.

SECTION 2. If any one or more of the provisions contained in this ordinance shall for any rezone be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision was not contained therein.

SECTION 3. This ordinance shall be in full force and effect from and after its passable by the City-County Council and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Cockrum stated that an IMAGIS briefing would be held on December 2, 1996, and a make-up briefing on December 9, 1996. Councillor Black stated that the National League of Cities would be taking place on December 9 and would probably conflict with the make-up briefing.

Councillor Golc thanked Councillor Bradford for the turkeys he provided for the caucus meetings and offered a mock "oaken bucket" to Purdue fans, Councillors Talley, Curry, Bradford, Cockrum, and Borst.

Councillor Franklin thanked Z. Mae Jimison for the cookies she provided to Council members.

Councillor O'Dell thanked General Counsel Robert Elrod for his help in resolving the issues concerning rezoning Proposal No. 758, 1996 during the preliminary hearing.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor O'Dell in memory of Wesley Sinn, Jr.;
- (2) Councillor Smith in memory of John H. Kragie;
- (3) Councillor Cockrum in memory of Carrol D. Starkey, Jr.;
- (4) The Democratic Caucus in memory of John Hesseldenz; and
- (5) Councillor Short in memory of Phil Sanders.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Wesley Sinn, Jr.; John H. Kragie; Carrol D. Starkey; John Hesseldenz; and Phil Sanders. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

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

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 25th day of November, 1996.

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

Bert Serwaas

President

ATTEST:

Suellen Hart

Clerk of the Council

(SEAL)