

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

**REGULAR MEETINGS
MONDAY, DECEMBER 16, 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 7:07 on Monday, December 16, 1996, with Councillor SerVaas presiding.

Councillor Coughenour introduced Rod E. Smith, Pastor of Missions of Tabernacle Presbyterian Church, who led the opening prayer. Councillor Coughenour invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Golc recognized Michael Volmer, a long-standing member of the White River State Park Development Commission, and his wife.

OFFICIAL COMMUNICATIONS

1) Proposal No. 814, 1996. The proposal, sponsored by Councillor McClamroch, recognizes the administration of the 1996 General Election by the Marion County Election Board and Marion County Board of Voter Registration. Councillor McClamroch read the proposal and

gave Council pins to personnel present. Sarah Taylor, County Clerk, thanked the Council for this recognition. Councillor McClamroch moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 814, 1996 was adopted by a unanimous voice vote.

Proposal No. 814, 1996 was retitled SPECIAL RESOLUTION NO. 79, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 1996

A SPECIAL RESOLUTION recognizing the administration of the 1996 General Election by the Marion County Election Board and Marion County Board of Voter Registration.

WHEREAS, the Marion County Election Board and Marion County Board of Voter Registration are responsible for the administration of state election laws and the conduct of elections in Marion County; and

WHEREAS, to fulfill their duties, the Boards rely upon the dedication and willing assistance of thousands of local citizens who work hard prior to, during, and after Election Day; and

WHEREAS, the 1996 General Election was conducted through the help of 5,290 precinct election board members and officials, 299 workers associated with the County Election Board's warehouse, absentee voting teams and canvass board, and the 432 community-minded organizations such as churches, schools and fire stations that provided polling sites throughout the County; and

WHEREAS, the actual administration of elections--preparing ballots, packing supply kits, processing absentee voting applications, securing voting sites, training workers, printing poll lists, moving voting machines, collecting returns, certifying the vote totals, etc.--is a process that is quietly and efficiently completed without much acknowledgment nor notice; and

WHEREAS, the efforts of the Marion County Election Board, Board of Voter Registration, and the many thousands of residents working together in a bi-partisan manner secure and perpetuate our most basic of all freedoms: A fair, equal and peaceful election; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends the important work of the Election Board, Board of Voter Registration and the thousands of citizens who share the duties and responsibilities of conducting the elections by acting as precinct workers as well as Election Day Deputy Commissioners, Absentee and Confined Voting Boards, and Canvass Board workers.

SECTION 2. Our democracy relies upon the support of these workers and the contribution of the many public and private organizations which allow use of polling site facilities in the neighborhoods.

SECTION 3. The Council extends its gratitude and appreciation of the initiative, volunteer spirit, energy and talent that is coordinated by the Election Board and Board of Voter Registration which serves our community through 907 precincts and over a half-million registered voters.

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.

2) Report from Capital Improvements Board

President SerVaas introduced Herb Simon, co-owner of the Pacers, and detailed the history of the Simons' purchase of the professional sports team in order to keep them in Indianapolis. He added that Simon-Debartolo Group, of which Mr. Simon is also co-owner, is the largest

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company of mall developers in the nation, and possibly the world, and that it is good for the City that the Simons choose to base their headquarters in Indianapolis.

Mr. Simon thanked the Council for the opportunity to speak and stated that the last time he was before the Council was to present ideas for the development of Circle Centre. He added that the mall is a great success and expressed his hope for another possible successful joint venture.

Councillor Borst stated that tonight is the beginning exploration of the depth and source of issues concerning professional sports team, and encouraged the public and Council to get involved in these discussions in the coming months. He introduced Pat Early, President of the Capital Improvements Board.

Mr. Early stated that the Capital Improvements Board is recommending that the City build a new arena, and that the recommended site is on Georgia Street between Pennsylvania and Delaware Streets. He detailed the research done by the Sports and Arts Task Force and explained the salary caps driven by the National Basketball Association (NBA) and the need to generate more revenue to cover salary costs in Indianapolis. He added that the cost would be approximately the same to either renovate Market Square Arena (MSA) or build a new, more flexible venue. The Pacers organization has made a 20-year commitment to remain in Indianapolis if a new arena is built. Mr. Early added that the Pacers provide significant direct economic benefit to the community, reaching almost \$100 million a year. He stated that the Pacers cannot continue to survive in this market without significant ways to enhance their revenue. He introduced Randy Foxworthy of the Pacers organization.

Mr. Foxworthy presented a slide presentation to detail the reasons a new arena is needed. He stated that Indianapolis' marketplace is considered too small to support an NBA basketball team. Indiana is ranked 23 out of 27 in market size of cities which have NBA teams. Seventeen of those 27 cities have recently renovated, built or are planning to build new arenas. Although the Pacers rank fifth in terms of television ratings, their local television contract revenue ranks 19 out of 24. He stated that raising ticket prices would eliminate a large segment of the Pacers fans who do not have unlimited entertainment dollars to spend. Clubs, suites and more "lower bowl" premium seating could help keep costs low on the general seating ticket prices. Pacers games have experienced 99.4% occupancy in the past two years. Although MSA experienced near full capacity, the Pacers rank 21 in the league in terms of ticket revenues. Mr. Foxworthy stated that since the Simons took ownership of the Pacers, the team has experienced operating losses ranging from \$2 to \$3 million a year. He added that the Simons had invested \$9 million to help cover these losses. Through an arrangement with the Capital Improvements Board, the Pacers borrowed approximately \$20 million during that period to cover utilities and maintenance at the arena. Mr. Foxworthy stated that the Pacers organization had also received \$14.5 million in expansion revenues, where teams pay tremendous amounts of money to come into the NBA, and each team shares in those revenues. He explained that even with these monies, the organization will experience a loss of over \$17 million this year and \$10 to \$11 million each of the next two years, due mostly to increases in player salaries. There are no more expansion revenues to cover these losses, and that losses would become too great for the Simons to bear if no new revenue source is produced. He detailed new revenue that could be generated due to suite and club ticket sales and increased advertising, signage, and naming rights in the event that the City would agree to build a new facility.

Jim Snyder, Special Counsel to the Mayor, detailed some of the financial issues and major public policy issues that will be faced with this project. He stated that the major question to be asked was whether or not Indianapolis wanted to keep the Pacers. The next question to be asked is whether or not the advantages of having professional sports teams are worth the expense of having a public-private partnership with those teams. He stated that the total project cost would be approximately \$175 million, of which the arena itself would be \$124 million, \$28 million for infrastructure including the re-use of near Eastside downtown, and soft costs of \$23 million. The Pacers cannot support this facility by themselves, but that they are committed to significant participation in building a new arena, as well as committing to 20 years of carrying the operating risk of the new facility. He stated that both State and local support, as well as some private-sector participation, is needed to go forward with this project. A new arena is needed for the Pacers to stay profitable and competitive in Indianapolis. Mr. Snyder stated that revenues that are specific to the arena and impacted by the arena will be looked at first as a source of funding to move forward. The City will then look at the narrowest tax or user base possible to find more support for the new arena. He added that the City will keep in mind that there is a significant commitment to schools, police and fire service, and other basic governmental services so as not to affect these aspects of City funding. He stated that the initial question is whether or not the City wants to keep the Pacers. Following the answer to this question, then a public debate would be warranted to investigate means to finance the facility.

Bill Brown, Ratio Architects representative, discussed the site selection criteria and detailed plans for the new site and re-use of the old arena site. He detailed the various sites explored and stated that Site No. 2, bordered by Pennsylvania, Georgia, Chesapeake, and Delaware Streets, had been chosen as the preferred site for the new "Indiana Fieldhouse," which is the suggested name for the new arena. He detailed three alternatives for re-development of Market Square Arena in the event of a new arena, and stated that neighborhood groups would be involved in this re-development project.

Mr. Early stated that the target date for a new arena would be the 1999-2000 basketball season. He added that the Pacers are a public asset, and that a new arena to keep them here is a step towards preserving and increasing morale and economic development for the City. He cited situations at St. Louis, Cleveland, and Baltimore where professional sports teams were deemed valuable to the community. He added that the Simons, as good corporate citizens, are willing to make a 20-year commitment, as well as substantial financial investment, to keep the Pacers in Indianapolis, but that they could not continue to bear the operating losses they now face.

The President stated that this Council meeting was not a forum for a public hearing on the matter of a new arena, but that public input would be allowed during the coming Municipal Corporations Committee meetings to determine the direction of this matter.

Councillor Boyd stated that several levels of education are needed on the part of Councillors in order to answer constituents and to make decisions regarding this project. He thanked Task Force members for their research to date.

Councillor Short stated that he is a member of the Pacers sub-committee of the Sports and Arts Task Force, and he voiced his support of this project as an effort to raise the quality of life in Indianapolis.

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Councillor McClamroch thanked the Task Force, the Pacers administration, and the Market Square Arena staff for their research and presentation.

Councillor O'Dell, Chairman of the Municipal Corporations Committee, stated that the next three scheduled meetings are slated for January 23, February 20, and March 13, 1997, where further issues will be addressed and public input will be accepted once a formal proposal has been introduced.

The President recognized the members of the Metropolitan Development Commission in attendance.

3) Other 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, December 16, 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

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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, December 4, 1996, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, December 5, 1996, a copy of a Notice of Public Hearing on Proposal Nos. 704, 765, 768, and 769, 1996, said hearing to be held on Monday, December 16, 1996, at 7:00 p.m. in the City-County Building.

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

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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. 117, 1996 - an appropriation of \$2,330 for the Franklin Township Assessor to pay salary increases and fringes for five full-time employees financed from the County General Fund balances

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FISCAL ORDINANCE NO. 118, 1996 - authorizes tax anticipation borrowing for the City during the period from January 1, 1997 through December 31, 1997

FISCAL ORDINANCE NO. 119, 1996 - 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

FISCAL ORDINANCE NO. 120, 1996 - 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

FISCAL ORDINANCE NO. 122, 1996 - 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

FISCAL ORDINANCE NO. 123, 1996 - 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

FISCAL ORDINANCE NO. 124, 1996 - a transfer of \$10,000 in the State Grant Fund for the Department of Parks and Recreation to pay for Perry Park tree removal

GENERAL ORDINANCE NO. 174, 1996 - approves fees for IMAGIS Land-Base Map in read-only non-transferable format

GENERAL ORDINANCE NO. 175, 1996 - establishes procedures with respect to urban economic areas

GENERAL RESOLUTION NO. 15, 1996 - approves certain public purpose grants for support of the arts

GENERAL RESOLUTION NO. 16, 1996 - approves an agreement between the City of Indianapolis and Boone County Utilities, LLC for wastewater treatment and disposal

SPECIAL RESOLUTION NO. 71, 1996 - recognizes the state champion North Central High School boys soccer team

SPECIAL RESOLUTION NO. 72, 1996 - determines that the lease of 11,555 square feet of office space at 148 East Market Street for the Department of Administration is necessary

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 25, 1996. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 808, 1996. The proposal, sponsored by Councillor Coughenour, recognizes new citizen Rod E. Smith, Pastor of Missions, Tabernacle Presbyterian Church. Councillor Coughenour read the proposal and presented a Council pin to Pastor Smith and to his brother and niece visiting from Australia. Pastor Smith thanked the Council for the recognition. Councillor Coughenour moved, seconded by Councillor O'Dell, for adoption. Proposal No. 808, 1996 was adopted by a unanimous voice vote.

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Proposal No. 808, 1996 was retitled SPECIAL RESOLUTION NO. 73, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 1996

A SPECIAL RESOLUTION recognizing new citizen Rod E. Smith, Pastor of Missions, Tabernacle Presbyterian Church.

WHEREAS, Pastor Rod E. Smith became a citizen of the United States on April 23, 1996, and has lived in Indianapolis for the past seven years; and

WHEREAS, Pastor Smith has a global view of God's mission surely in part because he is from South Africa, has taught in New Zealand, Australia, Canada and England, and is Pastor of Missions at Tabernacle Presbyterian Church in Indianapolis, U.S.A.; and

WHEREAS, the dynamic minister is a graduate of the University of Natal in Durban, South Africa, and earned his Master's Degree at Butler University in Indianapolis; and

WHEREAS, Pastor Smith is passionate and effective in helping those who are hurting to find freedom and health, helping people identify subtle interpersonal changes that can bring relief to those trapped in painful relationships, strengthening communication within families and helping teenagers cope and thrive during those exceedingly confusing and difficult years; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates Pastor Rod E. Smith for obtaining his citizenship this year, and welcomes him to Indianapolis.

SECTION 2. The Council recognizes Pastor Smith of Tabernacle Presbyterian Church for his loving, caring and uplifting work in this city and around the world.

SECTION 3. Indianapolis is made better because of the presence of Pastor Smith.

SECTION 4. May his thoughts and words find their mark, his counsel provide comfort and assistance to individuals and families, his teachings about the Lord influence souls and his presence continue to be a unifying and inspiring influence in this community for many years to come.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 809, 1996. The proposal, sponsored by Councillors Golc, Short, and Boyd, congratulates the state champion Cathedral High School football team. The President stated that due to the weather, school was dismissed early, and the team was unable to attend. Councillor Golc moved, seconded by Councillor Short, to postpone Proposal No. 809, 1996 until January 6, 1997. Proposal No. 809, 1996 was postponed by a unanimous voice vote.

PROPOSAL NO. 810, 1996. The proposal, sponsored by Councillors Hinkle and Gilmer, dedicates the Raymond Street Bridge over White River to John P. Willen. Councillor Hinkle read the proposal and presented John's brother Bill Willen with a Council pin. Mr. Willen thanked the Council on behalf of the family for this dedication. Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No. 810, 1996 was adopted by a unanimous voice vote.

Proposal No. 810, 1996 was retitled SPECIAL RESOLUTION NO. 75, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 1996

A SPECIAL RESOLUTION dedicating the Raymond Street Bridge over White River to John P. Willen.

WHEREAS, Mr. John P. Willen was the Chief Engineer for the Indianapolis Department of Transportation from December, 1979, until the time of his death in 1993; and

WHEREAS, Mr. Willen was a 1971 graduate of Rose-Hulman Institute of Technology, and received his Master's Degree in Business Administration from Butler University in May, 1980; and

WHEREAS, he received his Professional Engineer's license in 1975, was a member of the American Society of Civil Engineers, and the Institute of Transportation Engineers; and

WHEREAS, Mr. Willen received the Service Award from the Metropolitan Indianapolis Branch of the American Society of Civil Engineers in September, 1984; and

WHEREAS, Mr. Willen directed the design and construction of a great number of street and bridge projects; and

WHEREAS, Mr. Willen's leadership and professionalism influenced and guided the Department not only during his tenure of Chief Engineer but even after his death; and

WHEREAS, the Raymond Street Improvement Project which includes the Raymond Street Bridge over White River, was designed and construction begun while Mr. Willen was Chief Engineer and was completed by his colleagues; 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, representing the people of this city, does hereby honor the achievements of Mr. John P. Willen, who was the Chief Engineer for the Indianapolis Department of Transportation, by requesting that the Raymond Street Bridge over White River be named in the memory of Mr. Willen as a memorial to his many years of outstanding service to the people of Indianapolis.

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

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

PROPOSAL NO. 811, 1996. The proposal, sponsored by Councillor Short, recognizes Southeast Neighborhood Development, Inc. Councillor Short read the proposal and presented Council pins to representatives. Bill Taft, President, thanked the Council for this recognition. Councillor Short moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 811, 1996 was adopted by a unanimous voice vote.

Proposal No. 811, 1996 was retitled SPECIAL RESOLUTION NO. 76, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 76, 1996

A SPECIAL RESOLUTION recognizing Southeast Neighborhood Development, Inc.

WHEREAS, since 1991, Southeast Neighborhood Development, Inc. has helped create \$12,700,000 in investments in their community which is bounded by Washington and Raymond Streets and Keystone and Madison Avenues in the Near-Southside of the city; and

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WHEREAS, the largest dollar amount undertakings were a \$5 million restoration of the historic Briggs Flats and B&B buildings into 54 affordable apartments, and restoring the old Fountain Block building into 22 apartments for low income senior citizens along with a public library branch; and

WHEREAS, the Community Development Corporation has been a catalyst for completely renovating and selling 53 homes to low and moderate income buyers, and for making repairs to the homes of over 500 needy residents in the area; and

WHEREAS, they have led efforts to create the Fletcher Place and Fountain Square Historic Districts, and have assisted with more than 20 businesses to relocate or expand in the community with particular emphasis on historic building facade improvements; and

WHEREAS, Southeast Neighborhood Development, Inc. has trained over 100 neighborhood young people in work and life skills while the youth worked in neighborhood improvement projects, and created a partnership with five neighborhood churches which has fed and housed thousands of volunteers from throughout the Midwest who come to work on housing renovation and beautification tasks; 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 salutes all the members, officers, directors and friends of Southeast Neighborhood Development, Inc. for their initiative and organizing talent which has improved the lot of many residents in the Near-Southside of Indianapolis.

SECTION 2. The Council wishes them the very best of success in their future work.

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

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

PROPOSAL NO. 812, 1996. The proposal, sponsored by Councillor Franklin, recognizes the lifetime of community service of Mrs. Norma Cummings. Councillor Franklin read the proposal and presented Mrs. Cummings with a Council pin. Mrs. Cummings thanked the Council for this honor. Councillor Franklin moved, seconded by Councillor Talley, for adoption. Proposal No. 812, 1996 was adopted by a unanimous voice vote.

Proposal No. 812, 1996 was retitled SPECIAL RESOLUTION NO. 77, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 77, 1996

A SPECIAL RESOLUTION recognizing the lifetime of community service of Mrs. Norma Cummings.

WHEREAS, Mrs. Norma Cummings has been an outstanding citizen of Indianapolis for many years; and

WHEREAS, she has served on the Cable (Television) Franchise Board and on the Board of Zoning Appeals of city government, worked as Deputy Auditor in state government, was Executive Director of the Indiana Contractors Education Center to assist female and minority contractors, worked in the City Division of Equal Opportunity and retired this year from the Indianapolis Public Housing Authority as a Coordinator for senior citizens; and

WHEREAS, after graduating from college and earning her Master's Degree, she was a housewife for 28 years while rearing their four children; and

WHEREAS, along the way, Mrs. Cummings did volunteer work as PTA President, on the Board of the Butler-Tarkington Neighborhood Association, Secretary of the Flanner House Guild, President of

Progressive Mothers (an organization that quietly helps Black youth), girl scouts, brownies, Alpha Kappa Alpha Sorority and has been active in governmental political awareness work; 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 outstanding resident Mrs. Norma Cummings for her many years of service to her community, the city, and the state.

SECTION 2. Inspirational people like Norma, and her husband James, with the selfless generosity of their time and talents greatly enrich all of us in the City of Indianapolis.

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

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

PROPOSAL NO. 813, 1996. The proposal, sponsored by Councillors Golc, Borst, and Brents, recognizes the new IMAX 3D Theater and other new infrastructure developments at White River State Park. Councillor Golc read the proposal and presented State Park representatives with Council pins. John Kish, Executive Director of the site, thanked the Council for this recognition. Mike Volmer, member of the White River State Park Development Commission, invited Councillors to visit the facility. Councillor Golc moved, seconded by Councillor Borst, for adoption. Proposal No. 813, 1996 was adopted by a unanimous voice vote.

Proposal No. 813, 1996 was retitled SPECIAL RESOLUTION NO. 78, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 1996

A SPECIAL RESOLUTION recognizing the new IMAX 3D Theater and other new infrastructure developments at White River State Park.

WHEREAS, the new ten million dollar IMAX 3D movie theater set to open December 19th in White River State Park in downtown Indianapolis will represent another milestone for Indiana's young diversified urban state park; and

WHEREAS, the 416-seat theater features the newest and most dramatic step in 3D cinema technology with film that is ten times the size of normal film, a screen that is six stories tall, special polarized three dimension glasses for the audience, and a high fidelity sound system which all combine to give the viewers a sense of being totally immersed in the movie setting; and

WHEREAS, funded by Lilly Endowment, the state government and private sources, the theater is one of only 16 IMAX 3D theaters in the world; and

WHEREAS, other new developments include the Central Canal extension, restoration of the old Washington Street Bridge as a pedestrian walkway to salute the restored segment of the pioneer National Road and to celebrate its role in the development of Indiana, landscaping, a waterfall, Celebration Plaza with public open spaces and walkways, and more features that are currently in the design and discussion stages; 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 White River State Park for its new IMAX 3D movie theater venue and the other new Park improvements.

SECTION 2. The state's still-developing urban park in downtown Indianapolis combines a wide variety of attractions, from open spaces and a zoo to Victory Field baseball park and this new theater--which all seem appropriate for such a unique state park.

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

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

PROPOSAL NO. 836, 1996. The proposal, sponsored by Councillor Hinkle, authorizes the Metropolitan Development Committee to review and report on the activities and status of the Indianapolis Public Housing Agency. Councillor Hinkle read the proposal and moved, seconded by Councillor Dowden, for its adoption. Proposal No. 836, 1996 was adopted by a unanimous voice vote.

Proposal No. 836, 1996 was retitled COUNCIL RESOLUTION NO. 57, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 1996

A COUNCIL RESOLUTION authorizing the Metropolitan Development Committee to review and report on the activities and status of the Indianapolis Public Housing Agency.

WHEREAS, the City-County Council by ordinance created the Indianapolis Public Housing Agency; and

WHEREAS, said ordinance requires that the Council should review the operation and status of the Agency; now, therefore:

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

SECTION 1. The Metropolitan Development Committee is instructed to conduct a review of the operations and status of the Indianapolis Public Housing Agency and authorized to cause an independent audit of such Agency to be conducted.

SECTION 2. Such review shall be conducted after January 1, 1997, and the Committee should report its recommendation to the Council by March 31, 1997.

Councillor Hinkle stated that a special meeting of the Metropolitan Development Committee would be held on Wednesday, January 8, 1997, in the Public Assembly Room to address the status of the Public Housing Agency.

Councillor Franklin reported that the Community Affairs Committee had heard Proposal Nos. 228 and 229, 1996 on several occasions, and finally on December 5, 1996. By a 5-0 vote, the Committee reported the proposals to the full Council with the recommendation that they be stricken. PROPOSAL NO. 228, 1996. The proposal, sponsored by Councillor McClamroch, appoints Sondra Gunnell to the Community Centers of Indianapolis Board. PROPOSAL NO. 229, 1996. The proposal, sponsored by Councillor McClamroch, appoints Martin G. (Mike) Ramey to the Community Centers of Indianapolis Board. Councillor Franklin moved, seconded by Councillor Coughenour, to strike Proposal Nos. 228 and 229, 1996. Proposal Nos. 228 and 229, 1996 were stricken by a unanimous voice vote.

PROPOSAL NO. 767, 1996. The proposal, sponsored by Councillor McClamroch, appoints Ernestine Nicholson to the Equal Opportunity Advisory Board. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 767, 1996 on December 10, 1996. By a 6-0 vote, the Committee reported the proposal to the Council with the

recommendation that it do pass. Councilor McClamroch moved, seconded by Councilor Gilmer, for adoption. Proposal No. 767, 1996 was adopted by a unanimous voice vote.

Proposal No. 767, 1996 was retitled COUNCIL RESOLUTION NO. 58, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 1996

A COUNCIL RESOLUTION appointing Ernestine Nicholson to the Equal Opportunity Advisory 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 Equal Opportunity Advisory Board, the Council appoints:

Ernestine Nicholson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1999. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty days after the expiration of such term or until such earlier date as a successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 789, 1996. Introduced by Councilor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Charles B. Huppert to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 790, 1996. Introduced by Councilor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which amends the American and Comcast cable service franchise agreements so that the Eagle Creek Firearms Range can receive institutional network services"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 791, 1996. Introduced by Councilor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Hague Road and Castlegate Drive (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 792, 1996. Introduced by Councilor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Kroger Access Drive located at 7500 East 10th Street (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 794, 1996. Introduced by Councilor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a pedestrian activated traffic signal at Alabama Street and South Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 795, 1996. Introduced by Councilor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of the traffic signal

located at Kelly Street and Shelby Street (Districts 20, 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 796, 1996. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Decatur Commons Subdivision, Section 2 (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 797, 1996. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Southwest Drive and Tucson Drive (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 798, 1996. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Olney Street and Roosevelt Avenue (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 799, 1996. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Layman Avenue and 17th Street (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 800, 1996. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Lesley Avenue and 17th Street (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 802, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions and a change in parking meter zones on Illinois Street between South Street and Union Station (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 803, 1996. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the north side of McCarty Street from a point 160 feet west of West Street to a point 840 feet west of West Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 804, 1996. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Powell Street from Madison Avenue to 300 feet east of Madison Avenue (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 805, 1996. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Parker Avenue from 56th Street to a point 100 feet north of 56th Street (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 806, 1996. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 19th Street on the south side from College Avenue to a point 70 feet west of College Avenue (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 807, 1996. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Charles Cagann to the Indianapolis Public Transportation Corporation Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 816, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves amendments to the Marion County Police Department Personnel Retirement Plan now the Marion County Sheriff's Department Personnel Retirement Plan"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 820, 1996. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Monty Combs to the Board of Directors of Community Centers of Indianapolis, Inc."; and the President referred it to the Community Affairs Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 817-819, 1996 on December 11, 1996.

PROPOSAL NO. 817, 1996. The proposal is an inducement resolution for Strawbridge Limited Partnership, a to-be-formed limited partnership, in an amount not to exceed \$7,135,000 to proceed with the acquisition and substantial rehabilitation of the existing Castle Dore Apartments located at 4649 Strawbridge Road (District 24). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Coonrod, for adoption. Proposal No. 817, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: Gray, Jones, Moriarty Adams, Talley

Proposal No. 817, 1996 was retitled SPECIAL RESOLUTION NO. 80, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 1996

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction,

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installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, Strawbridge Limited Partnership, a to-be-formed limited partnership (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, renovation and equipping of the existing 190-unit multi-family residential facility located at 4649 Strawbridge Road, Indianapolis, Indiana; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

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

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Seven Million One Hundred Thirty-Five Thousand Dollars (\$7,135,000) under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 1997, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or

additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

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

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

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

PROPOSAL NO. 818, 1996. The proposal is an inducement resolution for Revken, Inc., or a to-be-named limited partnership or limited liability company, in an amount not to exceed \$14,000,000 to acquire and rehabilitate the existing units and to construct 192 new units at Emerald Green Apartments located at 6363 Commons Drive (District 1). By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 818, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Moriarty Adams

Proposal No. 818, 1996 was retitled SPECIAL RESOLUTION NO. 81, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 1996

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

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

WHEREAS, Revken, Inc. or a to-be-named limited partnership or limited liability company (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, renovation and equipping of the existing one hundred ninety-two (192) unit multi-family residential facility plus the construction of an additional one hundred ninety-two (192) multi-family residential rental units located at 6363 Commons Drive, Indianapolis, Indiana on approximately 32 acres of land; the acquisition of

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machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (six (6) jobs) plus the creation of a construction job payroll and the creation of business opportunities to be achieved by the acquisition, renovation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Fourteen Million Dollars (\$14,000,000) under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, renovation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 1997, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

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

certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

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

PROPOSAL NO. 819, 1996. The proposal amends S.O. No. 17, 1993, by authorizing the amendment of the principal payment schedule for the City of Indianapolis Economic Development Revenue Bond (Webb/Henne Indianapolis Venture I Project) (District 22). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 819, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Moriarty Adams

Proposal No. 819, 1996 was retitled SPECIAL ORDINANCE NO. 20, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 20, 1996

A SPECIAL ORDINANCE approving the execution of document amendments relating to the previously-issued City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project) and approving and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis (the "Issuer") previously issued its City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project) dated December 23, 1985 (the "Original Bond"), in the original aggregate principal amount of \$8,100,000; and

WHEREAS, the Issuer, Webb/Henne Indianapolis Venture I ("Webb/Henne") and BANK ONE, INDIANAPOLIS, NATIONAL ASSOCIATION (formerly known as American Fletcher National Bank and Trust Company) (the "Purchaser") have previously entered into a Bond Purchase Agreement dated as of December 1, 1985 ("Bond Purchase Agreement") in order to provide for the issuance of the Issuer's Original Bond; and

WHEREAS, the Issuer loaned (the "Loan") the proceeds from the sale of the Bond to Webb/Henne in exchange for a Promissory Note (the "Note") executed pursuant to a Loan Agreement dated as of December 1, 1985 (the "Loan Agreement") and Webb/Henne granted the Purchaser a mortgage on the Project (which predominantly consists of the real estate known as 225 North New Jersey), pursuant to a Real Estate Mortgage and Security Agreement (the "Mortgage") and a security interest in the rents pursuant to a Collateral Assignment of Leases and Rents; and

WHEREAS, in August of 1988, Webb/Henne entered into an Assignment and Assumption Agreement with The Eryk-Midamco Company ("Eryk-Midamco"), the Issuer, the Purchaser, Charles W. Henne and R. Dudley Webb wherein Webb/Henne assigned all of its right, title and interest in and to the Loan Agreement, the Bond Purchase Agreement, the Mortgage, the Collateral Assignment of Leases and Rents and the Project and Eryk-Midamco assumed all of the obligations and duties of Webb/Henne under such documents, the Note and the Bond and the ownership of the Project; and

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WHEREAS, on May 31, 1992, Eryk-Midamco entered into an Agreement (the "1992 Agreement") with the Purchaser approving a change in the definition of Adjustment Date (as defined in the Bond Purchase Agreement) to alter the frequency upon which the interest rate on the Bond may adjust, and the Issuer executed a revised bond (the "Revised Bond") incorporating the change approved by the 1992 Agreement; and

WHEREAS, Eryk-Midamco and the Issuer entered into a First Amendment to Loan Agreement dated as of September 1, 1993, and Eryk-Midamco, the Issuer and the Purchaser entered into a First Amendment to Bond Purchase Agreement dated as of September 1, 1993 to evidence the agreement of the parties to an adjustment in the principal repayment schedule on the Original Bond; and

WHEREAS, presently Eryk-Midamco and the Purchaser have proposed rescheduling certain principal repayments contained in the Bond Purchase Agreement; and

WHEREAS, the Company, the Issuer and the Purchaser will execute a Second Amendment to Bond Purchase Agreement, amending the Bond Purchase Agreement, providing for an amendment of the Original Bond adjusting the remaining principal repayment schedule contained therein; and

WHEREAS, the Issuer and the Company will execute a Second Amendment to Loan Agreement, amending the Loan Agreement providing for the issuance of a note amending the outstanding note which evidences the obligation of Eryk-Midamco to repay the Loan; and

WHEREAS, the Indianapolis Economic Development Commission on December 11, 1996 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement, and Amended and Restated Bond in the form presented at that meeting complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the execution of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement, and Amended and Restated Bond will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement, and Amended and Restated Bond approved by the Indianapolis Economic Development Commission are each hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restate Bond are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 4. The provisions of this ordinance, the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond shall constitute a contract binding between the City of Indianapolis and the parties to the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond, and after the

execution of the Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Second Amendment to Bond Purchase Agreement, Second Amendment to Loan Agreement and Amended and Restated Bond shall remain in effect.

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

PROPOSAL NOS. 821-832, 1996. Introduced by Councillor Hinkle. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 12, 1996." The Council did not schedule Proposal Nos. 821-832, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 821-832, 1996 were retitled REZONING ORDINANCE NOS. 256-267, 1996, and are identified as follows:

REZONING ORDINANCE NO. 256, 1996. 96-Z-180 (AMENDED)
706 EAST SOUTH COUNTY LINE ROAD (rear) and
8901 BUFFALO RUN DRIVE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
THE J.C. HART COMPANY, INC., by Michael C. Cook, requests a rezoning of 1.969 acres, being in the D-A District, to the D-611 classification to provide for the construction of four buildings for multi-family use.

REZONING ORDINANCE NO. 257, 1996. 96-Z-203 (AMENDED)
3850 EAST 82ND STREET (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3
KAPLAN MANAGEMENT COMPANY, INC., by Philip A. Nicely, requests a rezoning of 10.561 acres, being in the C-S(FF) District, to the C-S(FF) classification to provide for the construction of a multi-family development with up to 248 units.

REZONING ORDINANCE NO. 258, 1996. 96-Z-216
8376 MICHIGAN ROAD (approximate address), INDIANAPOLIS.
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2
DISCOUNT TIRE COMPANY, INC., by Stephen D. Mears, requests a rezoning of 1.16 acres, being in the C-S District, to the C-S classification to provide for the construction of a freestanding building to be devoted to the installation, repair and service of tires and vehicle wheels.

REZONING ORDINANCE NO. 259, 1996. 96-Z-219
416 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
LESTER J. and NELL M. BERNITT, by Michael S. Walsh, requests a rezoning of 3.90 acres, being in the D-A District, to the I-2-S classification to provide for light industrial including a wholesale furniture warehouse/corporate office.

REZONING ORDINANCE NO. 260, 1996. 96-Z-220 (AMENDED)
4310 EAST 62ND STREET (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4
THOMAS R. BERRY, by Mary E. Solada, requests a rezoning of 2.03 acres, being in the C-3 District, to the C-S classification to provide for the construction of a self-storage unit facility with an ancillary resident manager's living quarters.

REZONING ORDINANCE NO. 261, 1996. 96-Z-224
4145 SOUTH EAST STREET (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20
JERRYL A. VAUGHT, by Michael S. Walsh, requests a rezoning of 0.5 acre, being in the D-3 District, to the C-4 classification to conform the use of an automobile tire care center to the zoning classification.

REZONING ORDINANCE NO. 262, 1996. 96-Z-229
450 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

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EARL and FRANCES WACHTSTETTER, by Michael S. Walsh, request a rezoning of 2.076 acre, being in the C-I District, to the I-2-S classification to provide for light industrial development including a wholesale furniture warehouse and corporate office.

REZONING ORDINANCE NO. 263, 1996. 96-Z-230
840I SOUTH SHELBY STREET (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

HERRICK INVESTMENTS, INC., by James E. Hughes, requests a rezoning of 3.00 acres, being in the C-I District, to the C-S classification to provide for the construction of a 24,000 square foot two-story building for dance and gymnastics uses such as dance, voice, piano instruction and gymnastics meets.

REZONING ORDINANCE NO. 264, 1996. 96-Z-233
7823 LAVERNE ROAD (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
METROPOLITAN SCHOOL DISTRICT, by Louis Borgmann, requests a rezoning of 1.07 acres, being in the D-4 District, to the SU-2 classification to provide for school related uses including athletic fields.

REZONING ORDINANCE NO. 265, 1996. 96-Z-238 (Amended)
7402 EAST 86TH STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4
CASTLETON CENTER REALTY, by Brian J. Tuohy, requests a rezoning of 8.7 acres, being in the C-S District, to the C-S classification to provide for a furniture store, office uses and/or office-warehouse uses.

REZONING ORDINANCE NO. 266, 1996. 96-Z-24I (Amended)
3314 EAST STREET (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20
RTM INDIANAPOLIS, INC., by Stephen D. Mears, requests a rezoning of 1.3 acres, being in the D-3 District, to the C-3 classification to provide for the redevelopment of an existing restaurant.

REZONING ORDINANCE NO. 267, 1996. 96-Z-242
6298 RUCKER ROAD (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4
THE SULLIVAN CORPORATION, by Brian J. Tuohy, requests a rezoning of 1.069 acres, being in the D-3 District, to the C-I classification to provide for the construction of a commercial office building or similar C-I uses.

PROPOSAL NO. 833, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 12, 1996." The Council did not schedule Proposal No. 833, 1996 for hearing pursuant to IC 36-7-4-608. Proposal No. 833, 1996 was retitled REZONING ORDINANCE NO. 268, 1996, and is identified as follows:

REZONING ORDINANCE NO. 268, 1996. 95-Z-105
7808 EAST 38TH STREET and 7705 EAST 42ND STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 12.
DONALD J. and MARCHA J. THARP, by Peter D. Cleveland, requests the rezoning of 30 acres, being in the C-2, C-ID, D-7 and C-3 Districts, to the C-S classification to provide for an office-commercial-industrial park, consisting of office and retail uses along 38th and 42nd Streets and industrial uses along I-465.

PROPOSAL NO. 834, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 12, 1996." The Council did not schedule Proposal No. 834, 1996 for hearing pursuant to IC 36-7-4-608. Proposal No. 834, 1996 was retitled REZONING ORDINANCE NO. 269, 1996, and is identified as follows:

REZONING ORDINANCE NO. 269, 1996. 96-Z-95 (96-DP-11)
6418 ROCKVILLE ROAD and 6451 WEST OHIO STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18
LEGACY MINISTRIES, INC., by Stephen D. Mears, requests a rezoning of 12.12 acres, being in the D-P District, to the D-P classification to provide for the construction of a retirement community with 25 detached one-story condominiums and a two-story assisted living facility consisting of 60 units.

PROPOSAL NO. 835, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 12, 1996." The Council did not schedule Proposal No. 835, 1996 for hearing pursuant to IC 36-7-4-608. Proposal No. 835, 1996 was retitled REZONING ORDINANCE NO. 270, 1996, and is identified as follows:

REZONING ORDINANCE NO. 270, 1996. 95-Z-171
5101 EAST 82ND STREET (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3
MAEPOINTE DEVELOPMENT CORPORATION, by Philip A. Nicely, requests a rezoning of 41.14 acres, being in the D-A, C-1 and C-4 Districts, to the C-S classification to provide for the construction of an office-commercial complex .

Councillor Schneider stated that although there was some community concern regarding Proposal No. 835, 1996, he would not call it out for hearing. He expressed his concerns about this project and asked that the Metropolitan Development Commission not look favorably on commercial zoning south of this project to 62nd Street.

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. Councillor Borst read the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 6001 South Harding Street have reached a compromise and it will not be necessary to have a hearing on this matter; therefore, I move that Proposal No. 608, 1996 (Rezoning Petition No. 96-Z-74 Amended) be adopted incorporating therein the revised commitments dated December 16, 1996.

Councillor Borst moved, seconded by Councillor Hinkle, for adoption. Proposal No. 608, 1996 was adopted by a unanimous voice vote. Proposal No. 608, 1996 was retitled REZONING ORDINANCE NO. 271, 1996, and is identified as follows:

REZONING ORDINANCE NO. 271, 1996. 96-Z-74 (Amended)
6001 SOUTH HARDING STREET (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
ROBERT D. YOUNG requests a rezoning of 0.81 acre, 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. 702, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 702, 1996 on December 4, 1996. The proposal is an appropriation of \$22,684 for the Marion County Superior Court to pay expenses of the probation department financed by revenues in the Supplemental Adult Probation Fee Fund. By a 5-2 vote,

the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:13 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 702, 1996, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 702, 1996, as amended, was retitled FISCAL ORDINANCE NO. 125, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Twenty-two Thousand Six Hundred Eighty-four Dollars (\$22,684) in the Supplemental Adult Probation Fee Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court for expenses of the adult probation department.

SECTION 2. The sum of Twenty-two Thousand Six Hundred Eighty-four Dollars (\$22,684) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEE FUND</u>
4. Capital Outlay	<u>22,684</u>
TOTAL INCREASE	22,684

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

	<u>SUPPLEMENTAL ADULT PROBATION FEE FUND</u>
Unappropriated and Unencumbered	
Supplemental Adult Probation Fee Fund	<u>22,684</u>
TOTAL REDUCTION	22,684

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 704, 737, 738, 739, 743, 744, 768, and 769, 1996 on December 4, 1996. All of the proposals passed out of Committee with the recommendation that they do pass. Councillor Dowden asked for consent to vote on the proposals together. Consent was given.

PROPOSAL NO. 704, 1996. The proposal is an appropriation of \$12,000 in the County General Fund for the Public Defender Agency to pay telephone expenses financed by reimbursements from the Sheriff's Department. 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. PROPOSAL NO. 768, 1996. The proposal is an appropriation of \$27,250 for the Prosecuting Attorney to continue to provide for Regional Gang Interdiction in coordination with the Johnson County Prosecutor financed by a federal grant. PROPOSAL NO. 769, 1996. The proposal is an appropriation of \$684,530 in the Deferral Fee Fund to pay expenses of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court from fees collected from September through October 1996.

The President called for public testimony at 9:22 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 704, 737, 738, 739, 743, 744, 768, and 769, 1996 were adopted on the following roll call vote; viz:

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

Proposal No. 704, 1996 was retitled FISCAL ORDINANCE NO. 126, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Twelve Thousand Dollars (\$12,000) in the County General Fund for purposes of the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(u) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency to pay telephone expenses.

SECTION 2. The sum of Twelve Thousand Dollars (\$12,000) 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:

December 16, 1996

MARION COUNTY PUBLIC DEFENDER AGENCY

COUNTY GENERAL FUND

3. Other Services and Charges
TOTAL INCREASE

12,000
12,000

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

COUNTY GENERAL FUND

Unappropriated and Unencumbered
County General Fund
TOTAL REDUCTION

12,000
12,000

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

Proposal No. 737, 1996 was retitled FISCAL ORDINANCE NO. 127, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Twenty-eight Thousand Three Hundred Thirty-nine Dollars (\$28,339) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to contract for a Project Safe Families advocate.

SECTION 2. The sum of additional Twenty-eight Thousand Three Hundred Thirty-nine Dollars (\$28,339) 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:

PROSECUTING ATTORNEY

STATE AND FEDERAL GRANTS FUND

3. Other Services and Charges
TOTAL INCREASE

28,339
28,339

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

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered
State and Federal Grants Fund
TOTAL REDUCTION

28,339
28,339

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

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

Proposal No. 738, 1996 was retitled FISCAL ORDINANCE NO. 128, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Fifty-eight Thousand Seven Hundred Three Dollars (\$58,703) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to contract for a child interviewer in abuse cases on behalf of detectives and child protection services.

SECTION 2. The sum of Fifty-eight Thousand Seven Hundred Three Dollars (\$58,703) 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>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>58,703</u>
TOTAL INCREASE	58,703

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>58,703</u>
TOTAL REDUCTION	58,703

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

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

Proposal No. 739, 1996 was retitled FISCAL ORDINANCE NO. 129, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 129, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Sixty-five Thousand Dollars (\$65,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to contract for court advocates to serve in Domestic Violence courts to assist victims of domestic violence.

SECTION 2. The sum of Sixty-five Thousand Dollars (\$65,000) 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.

December 16, 1996

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>65,000</u>
TOTAL INCREASE	65,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>65,000</u>
TOTAL REDUCTION	65,000

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

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

Proposal No. 743, 1996 was retitled FISCAL ORDINANCE NO. 130, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 130, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Twenty-four Thousand Dollars (\$24,000) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(bb) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to offer indigent adults group and individualized counseling to work through victimization issues.

SECTION 2. The sum of Twenty-four Thousand Dollars (\$24,000) 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>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>24,000</u>
TOTAL INCREASE	24,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>24,000</u>
TOTAL REDUCTION	24,000

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

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

Proposal No. 744, 1996 was retitled FISCAL ORDINANCE NO. 131, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 131, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Forty-six Thousand Two Hundred Fifteen Dollars (\$46,215) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,bb) 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 Marion County Justice Agency to continue the Drug Use Forecast Program in conjunction with the National Institute of Justice.

SECTION 2. The sum of Forty-six Thousand Two Hundred Fifteen Dollars (\$46,215) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (fringes)	6,181
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	38,634
2. Supplies 1,000	
3. Other Services and Charges	<u>400</u>
TOTAL INCREASE	46,215

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>46,215</u>
TOTAL REDUCTION	46,215

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

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

Proposal No. 768, 1996 was retitled FISCAL ORDINANCE NO. 132, 1996, and reads as follows:

December 16, 1996

CITY-COUNTY FISCAL ORDINANCE NO. 132, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Twenty-seven Thousand Two Hundred Fifty Dollars (\$27,250) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) 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 Prosecuting Attorney to work on Regional Gang Interdiction in coordination with the Johnson County Prosecutor..

SECTION 2. The sum of Twenty-seven Thousand Two Hundred Fifty Dollars (\$27,250) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (Fringes)	5,450
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>21,800</u>
TOTAL INCREASE	27,250

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>27,250</u>
TOTAL REDUCTION	27,250

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

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

Proposal No. 769, 1996 was retitled FISCAL ORDINANCE NO. 133, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Six Hundred Eighty-four Thousand Five Hundred Thirty Dollars (\$684,530) in the Deferral Fee Fund for purposes of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Deferral Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v,y,cc) 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, Prosecuting Attorney, County Sheriff, and Marion County Superior Court to distribute the Deferral Fee fund balance.

SECTION 2. The sum of Six Hundred Eighty-four Thousand Five Hundred Thirty Dollars (\$684,530) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>DEFERRAL FEE FUND</u>
1. Personal Services (Fringes)	38,930
3. Other Services and Charges	136,758
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	155,719
3. Other Services and Charges	74,557
<u>COUNTY SHERIFF</u>	
3. Other Services and Charges	83,917
<u>MARION COUNTY SUPERIOR COURT</u>	
3. Other Services and Charges	<u>194,649</u>
TOTAL INCREASE	684,530

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

	<u>DEFERRAL FEE FUND</u>
Unappropriated and Unencumbered	
Deferral Fee Fund	<u>684,530</u>
TOTAL REDUCTION	684,530

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

PROPOSAL NO. 765, 1996. The proposal approves the disbursement of \$1,978,256 of Community Development Block Grant Funds. Councillor Hinkle moved, seconded by Councillor Coughenour, to postpone Proposal No. 765, 1996 until January 6, 1996. Proposal No. 765, 1996 was postponed by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 555, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 555, 1996 on December 10, 1996. The proposal restricts the use of public funds not budgeted for that purpose to settle employment litigation. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

Councillor Williams stated that this proposal was not intended to take away tools to solve litigation, but to oversee the process when City contracts are involved in litigation settlements.

Councillor Schneider moved, seconded by Councillor Massie, to strike. Proposal No. 555, 1996 was stricken on the following roll call vote; viz:

December 16, 1996

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 736, 740, 741, and 742, 1996 on December 4, 1996. All of the proposals passed out of Committee with the recommendation that they do pass. Councillor Dowden asked for consent to vote on the proposals together. Consent was given.

PROPOSAL NO. 736, 1996. The proposal is a transfer of \$110,000 in the County General Fund to provide for the increased cost of gasoline for the Sheriff's Department. PROPOSAL NO. 740, 1996. The proposal is a transfer of \$10,000 in the County User Fee Fund for the Prosecuting Attorney to pay for increased postage costs. PROPOSAL NO. 741, 1996. The proposal is a transfer of \$34,000 in the County General Fund for the Prosecutor's Child Support IV-D Agency to pay the agency's expenses for the balance of 1996. PROPOSAL NO. 742, 1996. The proposal is a transfer of \$92,200 in the County General Fund for the Marion County Superior Court, Juvenile Division, to cover the cost of computer upgrade. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal Nos. 736, 740 (as amended), 741, and 742 (as amended), 1996 were adopted on the following roll call vote; viz:

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

Proposal No. 736, 1996 was retitled FISCAL ORDINANCE NO. 134, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 134, 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 Ten Thousand Dollars (\$110,000) in the County General Fund for purposes of the County Sheriff 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 (y) 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 Sheriff to pay increased cost of gasoline.

SECTION 2. The sum of One Hundred Ten Thousand Dollars (\$110,000) 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:

COUNTY SHERIFF
2. Supplies
TOTAL INCREASE

COUNTY GENERAL FUND
110,000
110,000

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

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>110,000</u>
TOTAL DECREASE	110,000

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

Proposal No. 740, 1996, as amended, was retitled FISCAL ORDINANCE NO. 135, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 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 (\$10,00) in the County User Fee Fund for purposes of the Prosecuting Attorney 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(v) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to pay increased postage costs.

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>PROSECUTING ATTORNEY</u>	<u>COUNTY USER FEE 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>PROSECUTING ATTORNEY</u>	<u>COUNTY USER FEE FUND</u>
2. Supplies	<u>10,000</u>
TOTAL DECREASE	10,000

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

Proposal No. 741, 1996 was retitled FISCAL ORDINANCE NO. 136, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Thirty-four Thousand Dollars (\$34,000) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency 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(w) of the City-County Annual Budget for 1996 be, and is hereby, amended by

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the increases and reductions hereinafter stated for purposes of the Prosecutor's Child Support IV-D Agency to pay expenses for the balance of the year.

SECTION 2. The sum of Thirty-four Thousand Dollars (\$34,000) 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>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>34,000</u>
TOTAL INCREASE	34,000

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

<u>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies 12,000	
4. Capital Outlay	<u>22,000</u>
TOTAL DECREASE	34,000

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

Proposal No. 742, 1996, as amended, was retitled FISCAL ORDINANCE NO. 137, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Ninety-two Thousand Two Hundred Dollars (\$92,200) in the County General Fund for purposes of the Marion County Superior Court 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(cc) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court Juvenile Division to cover computer upgrades.

SECTION 2. The sum of Ninety-two Thousand Two Hundred Dollars (\$92,200) 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>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>92,200</u>
TOTAL INCREASE	92,200

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

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	62,200
3. Other Services and Charges	<u>30,000</u>
TOTAL DECREASE	92,200

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

PROPOSAL NO. 748, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 748, 1996 on December 2, 1996. The proposal is an amendment

to the Information Technology Operating Agreement between the City/County and SCT. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Coughenour, for adoption. Proposal No. 748, 1996, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Black

Proposal No. 748, 1996, as amended, was retitled SPECIAL ORDINANCE NO. 21, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 21, 1996

A SPECIAL ORDINANCE authorizing an Amendment to the Information Technology Operating Agreement made and entered into by the City of Indianapolis and Marion County, Indiana, acting by and through the Information Technology ("IT") Board, ("City-County") and SCT Software and Resource Management Corporation ("SCT").

WHEREAS, the City-County has entered into an Information Technology Operating Agreement ("Operating Agreement") for the operation, maintenance and management of the City/County's information services facilities; and

WHEREAS, the operation, maintenance and management of the City/County's Geographic Information System ("GIS") was not within the scope of the Operating Agreement; and

WHEREAS, The City/County now desires to bring the operation, maintenance and management within the scope of the Operating Agreement; and

WHEREAS, the City-County and SCT have negotiated an Amendment to the Operating Agreement by which SCT would operate, maintain, and manage the City-County's GIS facilities which is in substantially final form and is on file with the Clerk of the Council; and

WHEREAS, IC 36-1-14.3-9 required that the Operating Agreement be approved by the City-County Council; and

WHEREAS, the Operating Agreement was approved by the City-County Council through City-County Special Ordinance No. 22, 1995; now, therefore:

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

SECTION I. The Council hereby approves an Amendment to the Information Technology Operating Agreement ("Amendment") to provide for the operation, maintenance, and management of the City-County's GIS facilities which Amendment is in substantially final form and is on file with the Clerk of the Council; provided, however, that the final form of the Amendment shall include provisions which:

- (1) provide that the Amendment may be reconsidered until the adoption and approval of a fiscal ordinance appropriating amounts required for the 1997 payments required by the Amendment,
- (2) detail the GIS technology to be implemented by the "New Services" to be performed under the Amendment and the methods and protocols for semi-annual evaluation of progress towards implementing such technology, and
- (3) provide that the Amendment shall terminate, without penalty to the City-County, in any future year upon failure of the Council to appropriate funds for continuance of the New Services.

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SECTION 2. The Council hereby delegates to the IT Board the authority to approve changes to the Amendment prior to the Effective Date, provided that the net financial impact of such changes shall not increase the costs defined in Exhibit 2 attached to the Amendment by more than ten (10) percent. The Council also delegates to the IT Board, acting by and through its chair, the authority to execute the Operating Agreement.

SECTION 3. This ordinance shall be effective upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 764, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 764, 1996 on December 9, 1996. The proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps #13, #20, #21, #29, and #31 (96-AO-5). Councillor Hinkle stated that a couple more groups of maps would come before the committee before the update is complete. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor O'Dell, for adoption. Proposal No. 764, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Black, Borst, Schneider*

Proposal No. 764, 1996 was retitled GENERAL ORDINANCE NO. 176, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 176, 1996
Metropolitan Development Commission
Docket No. 96-AO-5

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, Part 21, as amended, the Zoning Ordinance for Marion County, Indiana, which Ordinance includes the Comprehensive Zoning Maps Of Marion County, Indiana, as amended, 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 within 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; now, therefore:

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

SECTION I. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended to modify specifically base maps #13, #20, #21, #29, and #31 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land with the area noted on the four sections of each of the following base maps: #13, #20, #21, #29, and #31, are hereby classified, divided, and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby update said Comprehensive Zoning Maps to include various rezonings by individual description or map amendments adopted subsequent to Metropolitan Development Commission Docket Number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to December 11, 1995, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning Ordinance [62-AO-2] as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission Docket Number 92-AO-7.

SECTION 5. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

PROPOSAL NO. 766, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 766, 1996 on December 10, 1996. The proposal approves a lease agreement between the City by and through its Department of Administration and the Indianapolis City Market Corporation for lease of the Indianapolis City Market. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Schneider moved, seconded by Councillor Tilford, for adoption. Proposal No. 766, 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, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
1 NAY: O'Dell

Proposal No. 766, 1996, as amended, was retitled SPECIAL RESOLUTION NO. 82, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 1996

A PROPOSAL FOR A SPECIAL RESOLUTION approving a lease between the City of Indianapolis by and through its Department of Administration and the Indianapolis City Market Corporation, an Indiana not-for-profit corporation, for the Indianapolis City Market.

WHEREAS, Section 285-203 of the Code of Indianapolis and Marion County, Indiana, authorizes the City of Indianapolis to enter into a Lease for the Indianapolis City Market with the Indianapolis City Market Corporation on such terms as may be negotiated from time to time and approved by the City-County Council; and

WHEREAS, the City of Indianapolis and the Indianapolis City Market Corporation desire to enter into a lease for the Indianapolis City Market, the proposed form of which is submitted herewith as Exhibit A; and

WHEREAS, the City-County Council now finds that it is appropriate to approve the lease to allow the City of Indianapolis to lease the Indianapolis City Market to the Indianapolis City Market Corporation; now, therefore:

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

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SECTION 1. That the City-County Council hereby approves the Lease Agreement (in the form submitted herewith) between the City of Indianapolis, by and through its Department of Administration, and the Indianapolis City Market Corporation for the lease of the Indianapolis City Market, a copy of which Lease Agreement is attached as Exhibit A to the official copy of the resolution on file with the Clerk of the Council.

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 770, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 770, 1996 on December 2, 1996. The proposal amends the Revised Code to delete the local limit for total cyanide, which is already adequately regulated by federal regulation. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 770, 1996 was adopted on the following roll call vote; viz:

28 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, 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*

Proposal No. 770, 1996 was retitled GENERAL ORDINANCE NO. 177, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 177, 1996

A GENERAL ORDINANCE Amending Chapter 67I, Sewers and Sewage Disposal, of the Revised Code of the Consolidated City and County, Indianapolis, Marion County, Indiana.

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

SECTION 1. Section 67I-4 of the "Revised Code of the Consolidated City and County" be, and is hereby amended to delete the stricken-through text to read as follows:

Sec. 67I-4. Regulation of discharges to public sewers.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer.

(b) Stormwater and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of application as provided in section 67I-41.

(c) No person shall discharge or cause to be discharged to any city sewer wastewater or pollutants which cause, threaten to cause or are capable of causing, either alone or by interaction with other substances:

- (1) Fire or explosion hazard;
- (2) Corrosive structural damage to the POTW but in no case water with a pH lower than 5.0 or higher than 12.0;
- (3) Obstruction to the flow in city sewers or other interference with the proper operation of the POTW;
- (4) An interference;

- (5) A pass-through.
- (d) No person shall discharge or cause to be discharged to any city sewer:
 - (1) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;
 - (2) Heat in amounts which will inhibit biological activity at the wastewater treatment plant but in no case greater than sixty (60) degrees centigrade (one hundred forty (140) degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees centigrade (one hundred four (104) degrees Fahrenheit);
 - (3) Any wastewater containing toxic pollutants or any discharge which could result in toxic gases, fumes or vapors in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed applicable categorical pretreatment standards;
 - (4) A wastewater with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the wastewater treatment plant. At no time shall a discharge cause a reading on a meter capable of reading L.E.L. (lower explosive limit) to be greater than ten (10) percent at the point of discharge to the POTW or at any point in the POTW;
 - (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
 - (6) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;
 - (7) Any substance which may cause the POTW's effluent or any other product of the wastewater works such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act;
 - (8) Any substance which will cause the POTW to violate its NPDES permit or the receiving stream's water quality standards;
 - (9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks and vegetable tanning solutions;
 - (10) Any wastewater containing radioactive material above limits contained in regulations, licenses or orders issued by the appropriate authority having control over their use. The disposal of any licensed radioactive material must meet applicable local, state or federal requirements;
 - (11) Any wastewater containing a total petroleum hydrocarbons concentration as determined by a procedure deemed appropriate by the director in excess of two hundred (200) mg/l. This limitation shall apply at the point of discharge to the city sewer system and is the maximum concentration allowed in any single grab sample collected from the waste stream;

- (12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oil, or antifreeze, except at concentrations which do not exceed levels of such substances which are routinely present in the normal wastewater discharge and do not otherwise violate any section of this chapter or the conditions of an industrial discharge permit or a special agreement; and
- (13) Polychlorinated biphenyls (PCBs) in any detectable concentrations.
- (e) No person shall discharge or cause to be discharged a wastewater which has a twenty-four-hour composite value in excess of the values shown on table 1.

TABLE 1
NONCATEGORICAL DISCHARGE LIMITS

<i>Maximum Allowable Concentration Pollutant</i>	<i>24-Hour Composite Sample Value (mg/l)</i>
Arsenic	4.0
Cadmium	1.2
Chromium (total)	24.0
Chromium (hex)	3.4
Copper	2.2
Cyanide (amenable)	0.4
Cyanide (total)	8.0
Lead	4.7
Nickel	7.3
Phenol	46.0
Pentachlorophenol	0.012
Zinc	38.0
Mercury	0.025
Silver	4.2

(f) The limitations set forth in table 1 above apply at the point of discharge to the city sewer system. The limitations for amenable cyanide, total cyanide and phenols apply to twenty-four-hour composite samples only in those cases where the composite sample is preserved according to EPA approved methods prior to collection. Otherwise, the values set forth for amenable cyanide, total cyanide and phenols or, with the approval of the director, any other listed pollutants shall apply to an instantaneous grab sample taken during prevailing discharge conditions and representative of the facility's discharge in general. The limitations and requirements imposed in subsections (c) and (d) of this section shall apply at the point of discharge to the city sewer unless specified otherwise.

(g) A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens; or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the department of fire prevention and building services and shall be reviewed and approved by the department of public works prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, the director may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

(h) No user shall change substantially the character or volume of pollutants discharged to the POTW without prior written notification to the city.

Sec. 671-5. Modification of federal categorical pretreatment standards.

When the city demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, the city may apply to the administrator of the

EPA, or the state if it has an approved pretreatment program, for authorization to give a removal credit to reflect removal of toxic or other regulated pollutants by the city's wastewater treatment system.

Sec. 671-6. State and federal requirements.

Federal categorical pretreatment standards or state requirements and limitations on discharges shall apply in any case where they are more stringent than those in this chapter. To the extent the federal regulations contain stricter standards, the categorical pretreatment standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference into this chapter. To the extent the state regulations contain stricter standards, the pretreatment standards found in 327 IAC 5-12-6 are hereby incorporated by reference into this chapter.

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

PROPOSAL NO. 771, 1996. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 771, 1996 on December 2, 1996. The proposal establishes a petty cash fund in the amount of \$500 for the Environmental Resources Management Division of DPW. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 771, 1996 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Bradford, Moriarty Adams*

Proposal No. 771, 1996 was retitled SPECIAL RESOLUTION NO. 74, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 74, 1996

A SPECIAL RESOLUTION to establish a petty cash fund in the amount of Five Hundred Dollars (\$500.00) to be placed in the custody of the Administrator for the Environmental Resources Management Division of the Department of Public Works.

WHEREAS, the Environmental Resources Management Division desires to maintain a petty cash fund to pay small or emergency items of operating expense.

WHEREAS, IC 36-1-8-3 requires the permission of the fiscal body of a political subdivision to establish a petty cash fund which fund is to be established by a warrant drawn on the appropriate fund of the political subdivision in favor of the officer or employee who is the fund custodian in an amount determined by the fiscal body.

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

SECTION 1. Pursuant to IC 36-1-8-3, the City-County Council, as the fiscal body for the Consolidated City of Indianapolis and Marion County, Indiana, hereby establishes a petty cash fund in the amount of Five Hundred Dollars (\$500.00) to be placed in the custody of the Administrator for the Environmental Resources Management Division of the Department of Public Works, which petty cash fund shall be used to pay small or emergency items of operating expense.

SECTION 2. The Five Hundred Dollars (\$500.00) for the petty cash fund established under Section 1 shall be paid by a warrant drawn on the appropriate fund in favor of the custodian and shall be returned to the appropriate fund when there is a change of custodian or when the fund is no longer needed.

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

PROPOSAL NO. 779, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 779, 1996 on December 9, 1996. The proposal extends the expiration date of the Wellfield Protection Zoning Ordinance (96-AO-6). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No. 779, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 779, 1996 was retitled GENERAL ORDINANCE NO. 178, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 178, 1996
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 96-AO-6

THE WELLFIELD PROTECTION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wellfield Protection Zoning Ordinance, as amended, 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 within 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; now, therefore:

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

SECTION 1. The Wellfield Protection Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Numbers 95-AO-6, 95-AO-13A, and 95-AO-13B), be amended as follows:

A. That Section 4.00 be amended by deleting the language noted with strikeouts and inserting the underscored language as follows:

Sec. 4.00 Expiration. This ordinance expires on ~~December 31, 1996~~ March 31, 1997.

SECTION 2. If any section of this ordinance shall be invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

The President welcomed Councillor Gilmer back after his illness.

PROPOSAL NO. 709, 1996. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 709, 1996 on December 11, 1996. The proposal, sponsored by Councillor Williams, authorizes a loading zone for George Wood, Associates at 870 Massachusetts Avenue (District 22). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 709, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 709, 1996 was retitled GENERAL ORDINANCE NO. 179, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 179, 1996

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-331, Passenger and material loading zones.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-331, Passenger and material loading zones, be, and the same is hereby, amended by the addition of the following, to wit:

Massachusetts Avenue, on the north side,
from a point 253 feet west of Bellefontaine Avenue
to a point 228 feet west of Bellefontaine Avenue (25 Feet)

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

PROPOSAL NO. 772, 1996. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 772, 1996 on December 11, 1996. The proposal, sponsored by Councillor Gilmer, authorizes a traffic signal at 71st Street, Winton Drive, and Cross Key Drive (District 1). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 772, 1996 was adopted on the following roll call vote; viz:

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

Proposal No. 772, 1996 was retitled GENERAL ORDINANCE NO. 180, 1996, and reads as follows:

December 16, 1996

CITY-COUNTY GENERAL ORDINANCE NO. 180, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Cross Key Dr 71st St	71st St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Cross Key Dr, 71st St, Winton Dr	None	Signal

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 774 and 775, 1996 on December 11, 1996. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 774, 1996. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at Highland Avenue and North Street (District 22). PROPOSAL NO. 775, 1996. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at Dorman Street and North Street (District 22). Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal Nos. 774 and 775, 1996 were adopted on the following roll call vote; viz:

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

Proposal No. 774, 1996 was retitled GENERAL ORDINANCE NO. 181, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 181, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Highland Av North St	Highland Av	Stop'

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Highland Av North St	None	All Way Stop

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

Proposal No. 775, 1996 was retitled GENERAL ORDINANCE NO. 182, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 182, 1996

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Dorman St North St	Dorman St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Dorman St North St	None	All Way Stop

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

NEW BUSINESS

Councillor Franklin thanked the President on behalf of all the Councillors for the Council Christmas party.

Councillor Short recognized and thanked all of the City and County employees for another year of service to the citizens of this community.

December 16, 1996

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 Cockrum in memory of Francis L. Larsen; and
- (2) Councillor Coughenour in memory of Jan Buckley; and
- (3) Councillor Moriarty Adams in memory of Wanda Schnell and Henry C. Ochs; and
- (4) Councillor Moores in memory of Clara Cordes; and
- (5) Councillor Williams in memory of George J. "Joe" O'Malia.

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 Francis L. Larsen, Jan Buckley, Wanda Schnell, Henry C. Ochs, Clara Cordes, and George J. "Joe" O'Malia. 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 10:06 p.m.

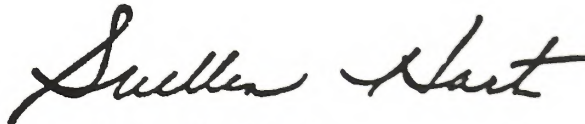
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 16th day of December, 1996.

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



President

ATTEST:



Clerk of the Council

(SEAL)