

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

**REGULAR MEETINGS  
MONDAY, JULY 21, 1997**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, July 21, 1997, with Councillor SerVaas presiding.

Councillor Moriarty Adams led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

*29 PRESENT: 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 McClamroch thanked the Fire Department for hosting tonight's dinner and for their service to the community year-round.

**OFFICIAL COMMUNICATIONS**

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

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

*Journal of the City-County Council*

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, July 21, 1997, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Beurt SerVaas  
President, City-County Council

June 27, 1997

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, July 2, 1997 and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, July 3, 1997, a copy of a Notice of Public Hearing on Proposal Nos. 389, 428, 429, 430, 431, and 432, 1997, said hearing to be held on Monday, July 21, 1997, at 7:00 p.m. in the City-County Building and a copy of a Legal Notice of General Ordinance Nos. 82-84, 1997.

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

June 27, 1997

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. 56, 1997 - approves an increase of \$1,254,676 in the 1997 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to cover operational expenses for the fiscal year 1997/1998

FISCAL ORDINANCE NO. 57, 1997 - approves an increase of \$181,020 in the 1997 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund a juvenile court intensive probation services program for fiscal year 1997/1998

FISCAL ORDINANCE NO. 58, 1997 - approves an increase of \$284,171 in the 1997 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) to fund salaries, services, home detention equipment, and supplies for the fiscal year 1997/1998

FISCAL ORDINANCE NO. 59, 1997 - approves an increase of \$173,098 in the 1997 Budget of the Department of Public Works, Contract Compliance Division and Environmental Resources Management Division (Consolidated County Fund) and a transfer of \$12,000 in the 1997 Budget of the Department of Public Works, Administration (Federal Grants Fund) to pay for Brownfields' interns, to purchase air monitoring equipment, and to cover expenses related to removing abandoned vehicles financed by a transfer between characters in the Federal Grants Fund and revenues from the Consolidated County Fund

GENERAL ORDINANCE NO. 106, 1997 - approves the establishment of a Sports Development Area as determined by the Metropolitan Development Commission

GENERAL ORDINANCE NO. 108, 1997 - designates the flowering crabapple as the official tree of Indianapolis

GENERAL ORDINANCE NO. 109, 1997 - prohibits the sales of admission tickets for major events in the vicinity of the event during the ten hours prior to the event

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GENERAL ORDINANCE NO. 110, 1997 - provides that the executive director of the Indianapolis Housing Agency serve at the pleasure of the mayor

GENERAL ORDINANCE NO. 111, 1997 - authorizes a multi-way stop at Sherman Drive and Southern Avenue (District 23)

GENERAL ORDINANCE NO. 112, 1997 - authorizes the deletion of parking restrictions on Alabama Street, on the west side, from Court Street to Washington Street (District 16)

GENERAL ORDINANCE NO. 113, 1997 - authorizes a traffic signal at a fire station located at 7403 East 30th Street (District 12)

GENERAL ORDINANCE NO. 114, 1997 - authorizes a multi-way stop at Hoyt Avenue and Randolph Street (District 21)

GENERAL ORDINANCE NO. 115, 1997 - authorizes a change in intersection controls at 9th Street and Paca Street (District 16)

GENERAL ORDINANCE NO. 116, 1997 - authorizes parking restrictions on 42nd Street from Bari Court to Wittfield Street (District 14)

GENERAL ORDINANCE NO. 117, 1997 - authorizes the deletion of morning and evening rush hour parking restrictions on 10th Street between Massachusetts Avenue and Sherman Drive; and authorizes parking restrictions at selected signalized intersections to improve traffic safety (Districts 10, 15, 22)

SPECIAL RESOLUTION NO. 49, 1997 - recognizes those who helped construct the new parking lot at Carson Park athletic fields

SPECIAL RESOLUTION NO. 50, 1997 - recognizes retiring city Parking Meter Department Manager, Robert E. Lowe

SPECIAL RESOLUTION NO. 51, 1997 - urges the U.S. President to reject the job-threatening U.N. treaty that would restrict energy usage by developed nations

SPECIAL RESOLUTION NO. 52, 1997 - amends S.R. No. 81, 1996 by extending the expiration date in the inducement resolution through December 31, 1997 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)

SPECIAL RESOLUTION NO. 53, 1997 - approves the disbursement of \$336,000 of the Community Development Block Grant Funds for the UNWA (United Northwest Area) Seven Initiatives Plan, Phase I

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1997 - approves a transfer of \$564,000 in the 1997 Budget of the Department of Public Works, Solid Waste Administration (Solid Waste Collection Service District Fund) to pay for overtime costs incurred during January's snow and cold weather days and underbudgeted employee benefits financed by transfer between characters

Respectfully,  
s/Stephen Goldsmith, Mayor

Councillor Smith introduced Greg Gallant and Ken Barlow from the Department of Metropolitan Development, who made a presentation on the Internet home page for the City of Indianapolis.

Mr. Gallant detailed the items which the public can access through the Internet, and presented future goals for the web site. Items which can currently be accessed include: the current code and ordinances, zoning maps, permit information, fire safety awareness, and neighborhood organizations. Plans for the future include: an arena-cam, the Unigov handbook, parking ticket payment capabilities, and economic development information.

## **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 June 23, 1997. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 497, 1997. The proposal, sponsored by Councillors Short and Gilmer, recognizes George H. Lynch. Councillor Short read the proposal and presented Mr. Lynch with a copy of the document and a Council pin. Greg Henneke, former director of the Department of Capital Asset Management (DCAM), and Dennis Neidigh, current director of DCAM, voiced their appreciation of Mr. Lynch's dedication to his position. Councillors Gilmer and McClamroch also thanked Mr. Lynch for his service and presented him with flowers on behalf of the Council. Mr. Lynch thanked the Council for this recognition and stated that it is a pleasure to serve the Council and the City of Indianapolis. Councillor Short moved, seconded by Councillor Gilmer, for adoption. Proposal No. 497, 1997 was adopted by a unanimous voice vote.

Proposal No. 497, 1997 was retitled SPECIAL RESOLUTION NO. 54, 1997, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1997**

A SPECIAL RESOLUTION recognizing George H. Lynch.

WHEREAS, George H. Lynch has started on the lower rungs of two different careers and successfully worked his way up to top management level in both the private sector motor carrier industry and in the Indianapolis city Department of Transportation (now called the Department of Capital Asset Management); and

WHEREAS, he is a World War II U.S. Navy veteran of the South Pacific Theater, a graduate of Indiana State University, and has been active in the Lawrence Township Republican Party including being elected to the Lawrence Township Board; and

WHEREAS, in his role as Executive Assistant of the Department of Capital Asset Management, Mr. Lynch serves very capably as the liaison between the City-County Councillors and the governmental agencies that are responsible for the city's streets and related transportation issues; and

WHEREAS, next month, Mr. Lynch will celebrate his 75<sup>th</sup> birthday and his 50<sup>th</sup> wedding anniversary with his wife Virginia Lynch; 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 pauses to recognize a special friend in the Administrative Branch of Indianapolis government—George H. Lynch.

SECTION 2. It is valued public servants like Mr. Lynch who help make the work of Councillors more productive, responsive and meaningful.

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SECTION 3. The Council thanks George for his many years of service as an effective communications bridge between two branches of local government, and we wish him the very best of happiness and good health in the years to come.

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

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

PROPOSAL NO. 498, 1997. The proposal, sponsored by Councillor Coonrod, recognizes James H. Steele. Councillor Coonrod read the proposal and presented Mr. Steele with a copy of the document and a Council pin. Mr. Steele thanked the Council and recognized his staff, specifically his assistant Shannon Thompson, for all their efforts in putting the City in the best financial shape it has ever experienced. He wished the City and the Council well with Plan 2000. Councillor Coonrod moved, seconded by Councillor McClamroch, for adoption. Proposal No. 498, 1997 was adopted by a unanimous voice vote.

Proposal No. 498, 1997 was retitled SPECIAL RESOLUTION NO. 55, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1997

A SPECIAL RESOLUTION recognizing James H. Steele.

WHEREAS, James H. Steele graduated from Anderson High School and Purdue University and earned a reputation for professional competence and skill as an officer in Anderson Banking Company and as Controller of the City of Anderson; and

WHEREAS, as a consequence of his reputation for skill and integrity, James H. Steele was appointed Executive Director of the Indiana Bond Bank, in which position he gained the confidence and respect of fellow government finance professionals throughout Indiana; and

WHEREAS, James H. Steele was asked by Mayor William H. Hudnut III and later Mayor Stephen Goldsmith to serve as Controller of the City of Indianapolis, in which position he administered a budget of several hundred million dollars and earned the confidence and respect of his employees and colleagues, as well as his fellow fiscal officers and finance professionals across the country; and

WHEREAS, James H. Steele maintained for the City of Indianapolis its AAA bond rating, retained for the City the Certificate of Excellence in Financial Reporting, served as President of the Indiana Government Finance Officers Association and of the Indiana Controllers Association, was the first recipient of the Indiana Association of Cities and Towns' Award for Excellence in Municipal Finance, and has achieved many other accomplishments and earned many other high honors for the City of Indianapolis and in his own right; and

WHEREAS, James H. Steele is respected, trusted and admired by the members of this Council for his integrity, his graciousness, and the soundness of his counsel and guidance; now, therefore:

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

SECTION 1. The Indianapolis City-County Council hereby recognizes the value of the effective public service performed by James H. Steele during his tenure as City Controller and thanks him on behalf of the citizens of the City of Indianapolis.

SECTION 2. The Council urges James H. Steele to remain involved in civic affairs.

SECTION 3. The Council expresses its hope that the early semi-retirement of James H. Steele will prove healthy and rewarding for him, as it is well-deserved.

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

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

PROPOSAL NO. 499, 1997. The proposal, sponsored by Councillor SerVaas, recognizes the lifetime of generous public spirit by Dwight L. Cottingham. Councillor SerVaas read the proposal and stated that Councillor Gilmer will present Mr. Cottingham with a copy of the document and a Council pin at a later time. Councillor SerVaas moved, seconded by Councillor Moores, for adoption. Proposal No. 499, 1997 was adopted by a unanimous voice vote.

Proposal No. 499, 1997 was retitled SPECIAL RESOLUTION NO. 56, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1997

A SPECIAL RESOLUTION recognizing the lifetime of generous public spirit by Dwight L. Cottingham.

WHEREAS, many octogenarians, unfortunately too many, cease going to the trouble and effort of contributing their lifetime of talents back to the community in any of the literally thousands of ways that such sharing can be manifested; and

WHEREAS, an extraordinary exception is City-County Councillor emeritus Dwight L. Cottingham—a retired Ben Davis High School teacher, counselor and assistant principal who moved to Wayne Township when it was 65 percent farmland and has worked with the Westside young people in the 4-H program since 1947; and

WHEREAS, Dwight Cottingham is perhaps the top person in the county on tree leaf and wood identification, and was honored this month during the Wayne Township 4-H Fair for his 55 years of volunteer service as a 4-H leader by having the fair bearing the name “The Dwight Cottingham 1997 4-H Fair;” and

WHEREAS, he served on the Indianapolis City County Council during interrupted terms from 1967 through 1991, where for many years he served as Chairman of the Council’s County and Townships Committee and worked diligently to improve the salaries of the public servants on the lowest rung of the pay scale; 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 the lifetime of public spirit and contributions by Dwight L. Cottingham.

SECTION 2. There are thousands of kids who, during the past half century, are better off because they were positively influenced by Mr. Cottingham.

SECTION 3. Dwight serves as a role model and inspiration to many others who may think about slacking off simply because the world refers to them as some sort of mythical “senior citizens”—but throughout all of this the real winners are Dwight Cottingham and the others like him who just say no to complacency.

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

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

PROPOSAL NO. 500, 1997. The proposal, sponsored by Councillor Coughenour, recognizes Sharon Wilson. Councillor Coughenour read the proposal and presented Ms. Wilson with a copy of the document and a Council pin. Ms. Wilson thanked the Council for the recognition and

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introduced her husband Jim, who also makes a difference as a teacher of 33 years. Councillor Coughenour moved, seconded by Councillor Massie, for adoption. Proposal No. 500, 1997 was adopted by a unanimous voice vote.

Proposal No. 500, 1997 was retitled SPECIAL RESOLUTION NO. 57, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 1997

A SPECIAL RESOLUTION recognizing Sharon Wilson.

WHEREAS, Sharon Wilson, who is the Drug Education and Student Assistance Coordinator for the Perry Township School District was named by the Southport Lions Club as this year's recipient of the annual Perry Township Citizenship Award; and

WHEREAS, Sharon is a graduate of Emmerich Manual High School and the former Indiana Central College, and was a classroom teacher from 1974 through 1992; and

WHEREAS, as a teacher, she became acutely aware of the devastating effect of drug use upon youngsters, and she used her academic training and teaching experiences to attack the drug problem; and

WHEREAS, in the few short years that she has left the classroom for anti-drug work she has energetically used her talents and enthusiasm to author drug prevention curriculum materials, created a re-entry process for youths returning to regular school from alternative education programs, and has initiated many other drug education and student assistance programs that have been widely studied and copied throughout America; 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 Perry Township Coordinator Sharon Wilson for earning the Perry Township Citizenship Award by the Southport Lions Club.

SECTION 2. The Council recognizes Sharon as an amazing person who is very dedicated to her constructive anti-drug work in Perry Township, in many parts of Indianapolis, the State of Indiana, and beyond.

SECTION 3. The Council wishes her well in the future of this important work.

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

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

PROPOSAL NO. 501, 1997. The proposal, sponsored by Councillor Hinkle, recognizes the Children of the American Revolution patriotic organization. Councillor Hinkle read the proposal and stated that he will present a copy of the document and a Council pin to representatives next week. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 501, 1997 was adopted by a unanimous voice vote.

Proposal No. 501, 1997 was retitled SPECIAL RESOLUTION NO. 58, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 1997

A SPECIAL RESOLUTION recognizing the Children of the American Revolution patriotic organization.

WHEREAS, The Children of the American Revolution was founded in 1895 as a patriotic organization for children and run by children; and

WHEREAS, to be eligible for membership, a young person must have an ancestor who participated in the Revolutionary War in some way on the American Colonists side of the conflict; and

WHEREAS, CAR works to promote a deeper understanding of American history, government and heritage, young people also participate in community celebrations, do charity work, perform Revolutionary War Era programs and learn about family research; and

WHEREAS, personal development benefits of CAR members include learning activities such as conducting meetings, parliamentary procedure, appropriate behavior and respect, public speaking and making new friends; 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, during this month of remembrance of America's long struggle for independence, recognizes the good work of the members of the Children of the American Revolution organization.

SECTION 2. Children are the future of our democratic republic, and the hope of tomorrow; and it is encouraging that young people today are interested and have the initiative to actively study and learn about the important events that constitute the foundation of our great nation.

SECTION 3. The Council wishes the CAR organization--and especially its Great Lakes Region--well as it works to rediscover the lives and roles of the common citizens as well as the historic figures who all stepped forward during those crucial years of America's Revolutionary War for Independence.

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

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

PROPOSAL NO. 511, 1997. The proposal, sponsored by Councillor Golc, urges Indianapolis Public Schools to "recycle" their closed schools on the Near Westside of Indianapolis. Councillor Golc read the proposal and moved for its adoption. Councillor Hinkle seconded the motion, and Proposal No. 511, 1997 was adopted by a unanimous voice vote.

Proposal No. 511, 1997 was retitled COUNCIL RESOLUTION NO. 58, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 1997

A COUNCIL RESOLUTION urging Indianapolis Public Schools to "recycle" their closed schools on the Near Westside of Indianapolis.

WHEREAS, with full cognizance and due respect of the separate elected jurisdictions and the differing scope of provinces of the civil and school governments, sometimes the actions of one unit of government affect the other; and

WHEREAS, for the past several years the City of Indianapolis and Marion County units of government have spent considerable effort in trying to "recycle" its properties that are no longer needed; and

WHEREAS, in the Near Westside of Indianapolis, the Indianapolis Public Schools has closed George Washington High School and School #50, and now those former schools sit empty and idle; and



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WHEREAS, those school closings, and now the presence of the vacant buildings, constitute a pronounced adverse and negative impact upon the neighborhood; and

WHEREAS, organizations have expressed interest in using those shuttered buildings; now, therefore

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

SECTION 1. The Indianapolis City-County Council encourages the Indianapolis Public Schools Board of Commissioners to redouble its efforts to put its closed surplus buildings to other constructive uses, beginning with the empty George Washington High School and School #50 on the Near Westside.

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

PROPOSAL NO. 322, 1997. Councillor O'Dell, who acted as Chairman in Councillor Gilmer's absence, reported that the Capital Asset Management Committee heard Proposal No. 322, 1997 on July 2, 1997. The proposal approves the Mayor's appointment of Dennis M. Neidigh as Director of the Department of Capital Asset Management. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor Gilmer, for adoption. Proposal No. 322, 1997 was adopted by a unanimous voice vote.

Proposal No. 322, 1997 was retitled COUNCIL RESOLUTION NO. 59, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 1997

A COUNCIL RESOLUTION approving the Mayor's appointment of Dennis M. Neidigh as Director of the Department of Capital Asset Management for a term ending December 31, 1997.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Capital Asset Management is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Dennis M. Neidigh to serve as Director of the Department of Capital Asset Management at his pleasure for a term ending December 31, 1997; now, therefore:

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

SECTION 1. Dennis M. Neidigh is approved and confirmed by the City-County Council to serve as Director of the Department of Capital Asset Management at the pleasure of the Mayor for a term ending December 31, 1997.

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

PROPOSAL NO. 357, 1997. Councillor McClamroch reported that the Rules and Public Policy Committee heard Proposal No. 357, 1997 on July 1, 1997. The proposal reappoints Judy Seubert to the Board of Ethics. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Gilmer, for adoption. Proposal No. 357, 1997 was adopted by a unanimous voice vote.

Proposal No. 357, 1997 was retitled COUNCIL RESOLUTION NO. 60, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 1997

A COUNCIL RESOLUTION reappointing Judy Seubert to the Board of Ethics.

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 Board of Ethics, the Council appoints:

Judy Seubert

SECTION 2. The appointment made by this resolution is for a term ending April 13, 1999. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 423, 1997. Councillor McClamroch reported that the Metropolitan Development Committee heard Proposal No. 423, 1997 on July 14, 1997. The proposal, sponsored by Councillor Boyd, appoints Aaron Haith to the Indianapolis Housing Agency Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Talley, for adoption. Proposal No. 423, 1997 was adopted by a unanimous voice vote.

Proposal No. 423, 1997 was retitled COUNCIL RESOLUTION NO. 61, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 1997

A COUNCIL RESOLUTION appointing Aaron Haith to the Indianapolis Housing Agency 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 Indianapolis Housing Agency Board, the Council appoints:

Aaron Haith

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 until his respective successor is appointed and has qualified.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 454, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the newly appointed City Controller to sign Public Employees' Retirement Fund (PERF) documents on behalf of the City"; and the President referred it to the Administration and Finance Committee.

Councillor Schneider asked for consent to vote on this proposal as the Committee as a Whole. Consent was given.

Councillor Schneider stated that this proposal needs passage this evening so that documents can be signed in a timely manner by the new City Controller. He moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 454, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Franklin, Shambaugh*

Proposal No. 454, 1997 was retitled SPECIAL RESOLUTION NO. 59, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 1997

A PROPOSAL FOR A SPECIAL RESOLUTION authorizing an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana.

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

SECTION 1. The City-County Council as the governing body of the City of Indianapolis, or its agent, is required to accept pension liability and to certify, execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

SECTION 2. The City-County Council of the City of Indianapolis and Marion County, Indiana hereby rescinds Special Resolution No. 9, 1991 and, effective July 28, 1997 authorizes Anthony C. La Rosa, as the Controller of the City of Indianapolis as its agent to accept pension liability, pursuant to IC 5-10.2-3-1, and further to execute, certify and deliver documents related to the Public Employees' Retirement Fund of Indiana.

SECTION 3. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund of Indiana.

SECTION 4. This resolution shall be in full force and effect upon the later of adoption and compliance with IC 36-3-4-14 or July 28, 1997.

PROPOSAL NO. 456, 1997. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Paul Jones to the Urban Enterprise Association"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 457, 1997. Introduced by Councillors Hinkle and McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Lois Horth to the Indianapolis Housing Agency Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 458, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the creation of a not-for-profit corporation to carry out educational and voluntary business registration programs to protect the quality of water drawn from public wells in Marion County"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 459, 1997. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$208,550 in the 1997 Budget of the County Recorder (County Recorder's Perpetuation Fund) to pay off the computer system that is currently on a lease purchase agreement and to purchase a scanner and plotter that

will record plats on line financed by fund balance"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 460, 1997. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$700,000 in the 1997 Budget of the Department of Metropolitan Development, Division of Community Development and Human Services (Federal Grants Fund) to acquire land which will directly benefit low/moderate income families"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 461, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$31,526 in the 1997 Budgets of the County Sheriff and County Auditor (County General Fund) to provide security service to the City Market financed by a contract with the City Market"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 462, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$30,537 in the 1997 Budget of the County Sheriff (County General Fund) to correct Fiscal Ordinance No. 35, 1997, which appropriated funds in the wrong character"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 463, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$93,500 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to continue the Center of Hope Grant to Wishard Hospital funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 464, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$21,200 in the 1997 Budgets of the Prosecuting Attorney and County Auditor (State and Federal Grants Fund) to continue the Adult Protective Services Program funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 465, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,148,055 in the 1997 Budgets of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court (Deferral Program Fee Fund) to pay expenses of the agencies and transfer funds to the Alcohol and Drug Services Fund and Diversion Fund financed from deferral fees"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 466, 1997. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$35,000 in the 1997 Budget of the Marion County Superior Court (State and Federal Grants Fund) to fund a Victim Assistance Program funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 467, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$28,078 in the 1997 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to fund the Respite Care Program for Children in residence at the Julian Center Shelter funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 468, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$294,000 in the 1997 Budgets of the County Auditor, County Sheriff, Community Corrections, and Marion County Justice Agency (County Corrections Fund) to provide for the diversion of misdemeanor populations from the state facilities funded by the State of Indiana"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 469, 1997. Introduced by Councillors SerVaas and Gilmer. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which concerns parking adjacent to federal government buildings"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 470, 1997. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the signal removal at Drum Drive and 56th Street (District 5)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 471, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 29th Street and Park Avenue (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 472, 1997. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 27th Street and Columbia Avenue (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 473, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Sargent Creek Court and Sargent Creek Drive (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 474, 1997. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes stop signs at Fenmore Road at 52nd Street (Districts 2, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 475, 1997. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes stop signs at Bethel Road at 52nd Street (District 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 476, 1997. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Raindance Trail and Palomino Trail, and at Raindance Trail and Sundance Trail (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 477, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at State Avenue and Nelson Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 478, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Gimber Street and Dietz Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 479, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Pleasant Street and Spruce Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 480, 1997. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Spruce Street and Woodlawn Avenue (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 481, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 57th Street and Eden Village Drive (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 482, 1997. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at New Jersey Street and Tulip Drive (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 483, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 85th Street and Winthrop Avenue (Districts 2, 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 484, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 91st Street and Castle Knoll Boulevard, and at 91st Street and Kasteel Way (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 485, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Nora Lane and Nottingham Drive (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 486, 1997. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Dry Den Drive, Epperson Drive and Old Mill Drive (District 19)"; and the President referred it to the Capital Asset Management Committee.

Councillor Cockrum asked for consent to withdraw Proposal No. 486, 1997 due to communication with the Sheriff's Department. Consent was given, and Proposal No. 486, 1997 was withdrawn.

PROPOSAL NO. 487, 1997. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 36th Street and Wallace Avenue (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 488, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes an intersection control at Chesapeake Street and Pennsylvania Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 489, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes 55 degree angle parking on Wabash Street between Illinois Street and Capitol Avenue (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 490, 1997. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes 55 degree parking on Washington Street between Capitol Avenue and West Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 491, 1997. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the east side of a portion of Whitcomb Avenue, south of Lambert Street (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 492, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the speed limit for 86th Street between I-465 and Payne Road (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 493, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a public purpose grant in the amount of \$715,700 for support of the arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 494, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which allows the advance refunding and issuance of new Parks Project Revenue Bonds (Brookville/Senour Economic Development Area)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 495, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which allows the advance refunding and issuance of new Parks Project Revenue Bonds (Coffin Municipal Golf Course)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 496, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Parks Department to enter into a management contract for Coffin Golf Course with Gray Eagle Golf, LLC"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 502, 1997. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code concerning the Park Project Revenue Fund"; and the President referred it to the Parks and Recreation Committee.

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

PROPOSAL NO. 453, 1997. Councillor Franklin, who acted as Chairman in Councillor Borst's absence, reported that the Economic Development Committee heard Proposal No. 453, 1997 on July 17, 1997. The proposal is a special ordinance for Kingsmill Venture, L.P. authorizing the issuance of variable/fixed multi-family housing revenue bonds in an amount not to exceed \$15,000,000 to acquire and rehabilitate the existing 192 unit multi-family residential facility currently known as Emerald Green Apartments plus the construction and equipping of an additional 192 multi-family residential units, all located at 6363 Commons Drive (District 1). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer asked who Kingsmill Venture, L.P. is and if they are a local company. William Erst, Vice President of Kingsmill Venture, L.P., identified the company representatives present and stated that the company is a locally-managed company.

Councillor Moriarty Adams stated that she will abstain due to a conflict of interest with her employer.

Councillor Franklin moved, seconded by Councillor Borst, for adoption. Proposal No. 453, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 453, 1997 was retitled SPECIAL ORDINANCE NO. 9, 1997, and reads as follows:

#### **CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1997**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$10,000,000 City of Indianapolis, Indiana Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997A and up to \$5,000,000 City of Indianapolis, Indiana Taxable Variable/Fixed Rate Multi-Family Housing



July 21, 1997

Revenue Bonds, Series 1997B (Kingsmill Venture, L.P. Project) and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, a representative of Kingsmill Venture, L.P. (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition and rehabilitation of the existing 192 unit multi-family residential facility currently known as Emerald Green Apartments plus the construction and equipping of an additional 192 multi-family residential rental units, all located at 6363 Commons Drive (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition and substantial rehabilitation of the Project by issuing up to \$10,000,000 City of Indianapolis, Indiana Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997A and up to \$5,000,000 City of Indianapolis, Indiana Taxable Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997B (Kingsmill Venture, L.P. Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on this date pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Indenture of Trust (the "Indenture") dated as of July 1, 1997 by and between the Issuer and Norwest Bank Indiana, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of July 1, 1997, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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

WHEREAS, there has been submitted to the Commission for its approval substantially final forms of the Loan Agreement, Indenture, Bond Purchase Agreement among the Issuer, the Company and RAF Financial Corporation, Land Use Restriction Agreement dated as of July 1, 1997 between the Issuer and the Company, Preliminary Official Statement, and the forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed for of special ordinance 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 financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the principal amount not to exceed \$10,000,000 in the case of the Series 1997A Bonds and not to exceed \$5,000,000 in the case of the Series 1997B Bonds for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to RAF Financial Corporation (the "Underwriter") that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest not to exceed 15% percent per annum. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

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

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

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit

period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company to the Indiana Housing Finance Authority (the IHFA) and either written representations of the Company or of the IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

Councillor Borst made the following motion:

Mr. President:

I move that Proposal No. 510, 1997 (Rezoning Case 97-Z-59), be scheduled for a hearing before this Council at its next regular meeting on August 4, 1997, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Consent was given to schedule this proposal for a public hearing on August 4, 1997. Proposal No. 510, 1997 is identified as follows:

97-Z-59

4505 SOUTH MERIDIAN STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

SC BODNER CO., INC., by Stephen D. Mears, requests a rezoning of 30 acres, being in the D-A District, to the D-6II classification to provide for attached multi-family residential.

PROPOSAL NOS. 503-505, 1997, PROPOSAL NO. 506, 1997, and PROPOSAL NOS. 507-509, 1997. Introduced by Councillor Hinkle. Proposal Nos. 503-505, 1997, Proposal No. 506, 1997 and Proposal Nos. 507-509, 1997 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 3, 16, and 18, 1997. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 138-144, 1997, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 138, 1997.

97-Z-112

4357 NORTH POST ROAD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

NP IN 30033 LIMITED LIABILITY COMPANY, by Walter Wolfe, requests a rezoning of 10.316 acres, being in the D-A District, to the D-6II classification to legally establish and provide for multi-family residential development.

REZONING ORDINANCE NO. 139, 1997.

97-Z-117 (AMENDED)

3029-3037 EAST MINNESOTA STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21  
METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.5 acre, being in the C-1 and D-5 Districts, to the D-5 classification to provide for residential uses.

REZONING ORDINANCE NO. 140, 1997.

97-Z-118

2598 NORTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

CHARITY CHRISTIAN CENTER requests a rezoning of 0.65 acre, being in the D-5 District, to the SU-1 classification to provide for the continued religious uses including a building addition.

REZONING ORDINANCE NO. 141, 1997.

96-Z-232

8821 SOUTH EMERSON AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #23

MCGINTY TRUST, by Michael J. Kias, requests a rezoning of 29.787 acres, being in the D-A District, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 142, 1997.

97-Z-120

4720 EAST 13<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC., by James L. Tuohy, requests a rezoning of 4.3 acres, being in the D-5 District, to the SU-1 classification to provide for the continued operation of a church and church related use.

REZONING ORDINANCE NO. 143, 1997.

97-CP-23Z

6720-6902 SOUTH EMERSON AVENUE and 4924-5020 SOUTHPORT TERRACE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

EATON & LAUTH REAL ESTATE SERVICE, INC., by Michael C. Cook, requests a rezoning of 64.18 acres, being in the D-A District, to the C-S classification to provide for all permitted uses in C-5 and C-6 with the exception of adult entertainment business, firing (gun) range, shooting gallery/range, massage parlor, plasma (blood) center, rooming and boarding houses, fishing lake operation, go-cart raceways, driving range, railroads, scenic sports, flea market, finished gravestones or monuments, or theater/ drive-in.

REZONING ORDINANCE NO. 144, 1997.

97-CP-24Z

9817 EAST 96<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

JACK L. MCMAHAN requests a rezoning of 2.2 acres, being in the D-S District, to the D-1 classification to provide for of two single-family residential lots.

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

PROPOSAL NO. 389, 1997. Councillor O'Dell, sponsor of the proposal, reported that the Community Affairs Committee heard Proposal No. 389, 1997 on July 9, 1997. The proposal approves an increase in the 1997 Budget of the Marion County Children's Guardian Home (County General Fund) in the amount of \$2,000,000 to provide funding for the implementation of The Guardian Home 2000 Plan financed from County General Fund balances.

The President called for public testimony at 8:30 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Franklin, to table Proposal No. 389, 1997. Proposal No. 389, 1997 was tabled by a unanimous voice vote.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 375 and 428-433, 1997 on June 25, 1997.

PROPOSAL NO. 430, 1997. The proposal approves an increase of \$31,200 in the 1997 Budget of the Superior Court, Juvenile Division (State and Federal Grants Fund) to fund Project Impact (purchase of vehicles) for fiscal year 1997/1998.

The President called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, to postpone Proposal No. 430, 1997. Proposal No. 430, 1997 was postponed by a unanimous voice vote.

Councillor Dowden asked for consent to vote on Proposal Nos. 428, 429, 431, 432, 375, and 433, 1997 together. Consent was given.

PROPOSAL NO. 428, 1997. The proposal approves an increase of \$48,000 in the 1997 Budget of the Superior Court, Juvenile Division (State and Federal Grants Fund) to fund Child Advocates, Inc. for the fiscal year 1997/1998. PROPOSAL NO. 429, 1997. The proposal approves an increase of \$24,000 in the 1997 Budget of the Superior Court, Juvenile Division (State and Federal Grants Fund) to continue the Big Sisters program for the 1997/1998 fiscal year. PROPOSAL NO. 431, 1997. The proposal approves an increase of \$54,739 in the 1997 Budget of Superior Court, Juvenile Division (State and Federal Grants Fund) to fund the Southside Youth Council. PROPOSAL NO. 432, 1997. The proposal approves an increase of \$250,000 in the 1997 Budget of the Marion County Justice Agency (Law Enforcement Fund) to pay salaries and fringe benefits for personnel working with forfeitures. PROPOSAL NO. 375, 1997. The proposal elects to fund MECA operations in calendar year 1998 with \$2 million of COIT revenue. PROPOSAL NO. 433, 1997. The proposal approves a transfer of \$40,000 in the 1997 Budget of the Forensic Services Agency (County General Fund) to acquire the necessary supplies to accommodate increasing evidence submissions. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal Nos. 428, 429, 431, 375, and 433, 1997 and Proposal No. 432, 1997, as amended, were 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, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*  
*0 NAYS:*  
*1 NOT VOTING: Short*

Proposal No. 428, 1997 was retitled FISCAL ORDINANCE NO. 60, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Forty-eight Thousand Dollars (\$48,000) in the State and Federal Grants Fund for purposes of the Superior Court, Juvenile Division 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(cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division for Child Advocates, Inc.

SECTION 2. The sum of Forty-eight Thousand Dollars (\$48,000) 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>SUPERIOR COURT JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>48,000</u>
TOTAL INCREASE	48,000

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>48,000</u>
TOTAL REDUCTION	48,000

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. 429, 1997 was retitled FISCAL ORDINANCE NO. 61, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Twenty-four Thousand Dollars (\$24,000) in the State and Federal Grants Fund for purposes of the Superior Court, Juvenile Division 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(cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division for Big Sisters

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>SUPERIOR COURT, JUVENILE DIVISION</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. 431, 1997 was retitled FISCAL ORDINANCE NO. 62, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Fifty-four Thousand Seven Hundred Thirty-nine Dollars (\$54,739) in the State and Federal Grants Fund for purposes of the Superior Court, Juvenile Division 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(cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division for Southside Youth Council.

SECTION 2. The sum of Fifty-four Thousand Seven Hundred Thirty-nine Dollars (\$54,739) 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>SUPERIOR COURT, JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>54,739</u>
TOTAL INCREASE	54,739

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>54,739</u>
TOTAL REDUCTION	54,739

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. 432, 1997, as amended, was retitled FISCAL ORDINANCE NO. 63, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and the County Auditor and reducing the unappropriated and unencumbered balance in the Law Enforcement 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 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency and County Auditor to pay salaries and fringes for personnel working with forfeitures.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>LAW ENFORCEMENT FUND</u>
I. Personal Services -Fringes	50,000
<u>MARION COUNTY JUSTICE AGENCY</u>	
I. Personal Services	<u>200,000</u>
TOTAL INCREASE	250,000

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and unencumbered	
Law Enforcement Fund	<u>250,000</u>
TOTAL DECREASE	250,000

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

Proposal No. 375, 1997 was retitled SPECIAL ORDINANCE NO. 10, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1997

A SPECIAL ORDINANCE election to fund MECA in 1998 with County Option Income Tax (COIT) Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the City-County Council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 1998, the City-County Council, prior to September 1, 1997, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:



July 21, 1997

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

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 1998 from part of the certified distribution the county is to receive under IC 6-3.5-6- 17.

SECTION 2. The amount of the certified distribution to be used for this purpose is \$2,000,000.

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

Proposal No. 433, 1997 was retitled FISCAL ORDINANCE NO. 64, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Forty Thousand Dollars (\$40,000) in the County General Fund for purposes of the Forensic Services 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 (x) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to acquire supplies necessary to process increasing numbers of evidence submissions through the end of 1997.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) 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>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	40,000
TOTAL INCREASE	40,000

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

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	10,000
4. Capital Outlay	30,000
TOTAL DECREASE	40,000

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

**SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 279, 1997. The proposal approves (or rejects) the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library. Councillor O'Dell reported that further discussions need to take place between the library board and City administration until agreements can be reached. Councillor McClamroch briefed the Council on discussions that have taken place since the public hearing held in Council on May 19, 1997. Councillor O'Dell moved, seconded by Councillor Borst, to postpone Proposal No. 279, 1997. Proposal No. 279, 1997 was postponed by a unanimous voice vote.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 320, 1997. Councillor Smith reported that the Regulatory Research and Review Committee heard Proposal No. 320, 1997 on July 8, 1997. The proposal establishes procedures for adoption of rules and regulations and requiring the codification of all rules and regulations. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Smith made the following motion:

Mr. President:

I move to further amend Proposal No. 320, 1997, as amended by the Committee, as follows:

- (1) Substitute the following for Sec. 102-15,

*Rule* means the whole or any part of an agency statement prescribing requirements, procedural rules, or internal operating procedures applicable to persons or entities dealing with such agency; provided that rule does not include any statements dealing with internal staff operations or personnel management policies.

- (2) Add the following at the end of Sec. 141-21

"provided the same is promptly filed with the Clerk of the Council."

Councillor Coughenour asked for a copy of the already amended version because she is unclear as to how this further amendment changes the proposal. Councillor Curry provided her with a copy.

Councillor Talley seconded the motion to amend, and Proposal No. 320, 1997 was amended by a unanimous voice vote.

The President stated that he will move Proposal Nos. 373 and 374, 1997 next on the agenda in order to give Councillor Coughenour time to review the proposal before voting on Proposal No. 320, 1997.

PROPOSAL NO. 373, 1997. Councillor Franklin reported that the Community Affairs Committee heard Proposal No. 373, 1997 on July 9, 1997. The proposal approves the lease of office space located at 9245 North Meridian Street for use by the Marion County Cooperative Extension Service. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Franklin moved, seconded by Councillor O'Dell, for adoption. Proposal No. 373, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 373, 1997 was retitled SPECIAL RESOLUTION NO. 60, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 1997

A PROPOSAL FOR A SPECIAL RESOLUTION determining that the lease of 14,162 square feet of office space at 9245 N. Meridian Street, Indianapolis, Indiana, is needed for use by the Marion County Cooperative Extension Service.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of office space for the use of the Marion County Cooperative Extension Service is necessary.

SECTION 2. The property located at 9245 North Meridian Street, Indianapolis, Indiana is owned by Echo Associates, LLC, 10585 North Meridian Street, No. 101, Indianapolis, Indiana 46290.

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

PROPOSAL NO. 374, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 374, 1997 on July 14, 1997. The proposal approves a transfer of \$10,000 in the 1997 Budgets of the County Auditor and County Surveyor (County General Fund) to provide funding for the Surveyor to locate control points for aerial photography for IMAGIS. 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. 374, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 374, 1997 was retitled FISCAL ORDINANCE NO. 65, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Ten Thousand Dollars (\$10,000) in the County General Fund for purposes of the County Auditor and County Surveyor and reducing certain other appropriations for the County Surveyor

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,j) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Surveyor to provide funding to locate control points for aerial photography for IMAGIS

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>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
I. Personal Services - Fringes	1,432

COUNTY SURVEYOR

1. Personal Services	5,726
2. Supplies	<u>2,842</u>
TOTAL INCREASE	10,000

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

COUNTY SURVEYOR

COUNTY GENERAL FUND

3. Other Services and Charges	<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. 320, 1997. Councillor Smith moved, seconded by Councillor Curry, for adoption. Proposal No. 320, 1997, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 320, 1997, as amended, was retitled GENERAL ORDINANCE NO. 118, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 118, 1997

A GENERAL ORDINANCE establishing procedures for adoption of rules and regulations and requiring the codification of all rules and regulations.

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

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

CHAPTER 102. DEFINITIONS

Sec. 102-1. Application.

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

Sec. 102-2. Agency.

Agency means any officer, board, commission, department, division, committee, or other governmental entity exercising any of the executive (including the administrative) powers of the city or county government. The term does not include the City-County Council or any department of state government.

Sec. 102-~~2~~3. City or Consolidated City.

~~City means the "Consolidated City of Indianapolis, Marion County, Indiana," and shall extend to and include its several officers, agents and employees.~~

The City or Consolidated City

- (1) when referring to the governmental unit, means the Consolidated City of Indianapolis and Marion County, existing pursuant to IC 36-3, and includes its officers, agencies, and special service and special taxing districts, or
- (2) when referring to the geographic area, means the territory within the boundaries of the county as identified in Chapter 111 of the Revised Code except that territory within an excluded city.

Sec. 102-~~34~~. City-county council.

*City-county council* or *council* means the city-county council of the Consolidated City of Indianapolis, Marion County, Indiana.

Sec. 102-~~45~~. City prosecutor.

*City prosecutor* means the corporation counsel or the person designated as such by the corporation counsel.

Sec. 102-~~56~~. Clerk.

*Clerk* or *city clerk* means the clerk of the city-county council.

Sec. 102-~~67~~. Code.

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

~~Sec. 102-7. Consolidated city.~~

~~*Consolidated city* means (i) the City of Indianapolis, a consolidated city existing pursuant to IC 36-3, when used to refer to the unit of local government and includes its officers, agencies and special service and special taxing districts and (ii) those portions of Marion County, Indiana, as identified in chapter 111 of this Code which are not within an excluded city when used to refer to the geographic area.~~

Sec. 102-8. County.

*The county* or *this county* shall mean the County of Marion in the State of Indiana.

Sec. 102-9. Independent municipal corporation.

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

- (1) An airport authority operating under IC 8-22-3;
- (2) A health and hospital corporation operating under IC 16-22-8;
- (3) A public library operating under IC 20-14;
- (4) A capital improvements board of managers operating under IC 36-10; and
- (5) A public transportation corporation operating under IC 36-9-4.

Sec. 102-10. Oath.

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

Sec. 102-11. Owner.

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

Sec. 102-12. Person.

*Person* means and includes and shall be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Sec. 102-13. Personal property.

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

Sec. 102-14. Regulation.

Regulation means the whole or any part of an agency statement of general applicability that:

- (1) is adopted pursuant to authority delegated by an ordinance of the council or statute of the state.
- (2) has or is intended to have the effect of law, and
- (3) implements, interprets or prescribes laws or policy of the agency.

Sec. 102-15. Rule.

Rule means the whole or any part of an agency statement prescribing requirements, procedural rules, or internal operating procedures applicable to persons or entities dealing with such agency; provided that rule does not include any statements dealing with internal staff operations or personnel management policies.

Sec. 102-146. State.

*The state or this state* means the State of Indiana.

SECTION 2. The "Revised Code of the Consolidated City and County" be, and is hereby, amended to add a NEW Chapter 141 to read as follows:

CHAPTER 141. ADMINISTRATIVE PROCEDURE

ARTICLE II. RULES AND REGULATIONS

Sec. 141-11. Application.

Whenever by statute or ordinance, any office, board, or agency of the County or of the consolidated City is delegated authority to adopt regulations, regulations may be adopted only by compliance with the procedures of this chapter, unless a statute specifically provides otherwise. This chapter shall supersede any provision of any other ordinance specifying procedures for adoption of regulations.

Sec. ~~261-25~~ 141-12. Promulgation of rules and regulations.

(a) *Notice of hearing.* Before any rule, or regulation or standard is adopted by the board of public works as authorized by this Code, it shall use the procedures in this section unless otherwise provided for by state law. The board shall cause a notice to shall be published in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the date set for a hearing. The notice shall include a statement (i) of the time and place of the hearing, (ii) whether the proposal is to adopt a rule or a regulation, a reference to (iii) a general description of the subject matter of the proposed rule or regulation, and (iv) reference to the fact that a copy of the proposed rule or regulation is on file in the office of the department of public works agency and in the office of the city clerk of the council where it may be examined; however, ~~n~~No rule or regulation shall be invalid solely because the reference to the subject matter thereof in such notice is inadequate or insufficient.

(b) Regulatory impact statement. No later than first publication under subsection (a), the regulatory impact statement required by Sec. 147-13 shall be filed with the Clerk of the Council.

Sec. 141-13. Filing of proposal.

~~(b)~~ At least five (5) copies of a proposed rule or regulation shall be on file in the office of the ~~department of public works agency~~ and in the office of the ~~city clerk of the council~~ from the date of publication of the notice required by ~~subsection (a) Sec. 141-12~~ continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed rule or regulation. The ~~city clerk of the council~~ shall furnish to each member of the city-county council a copy of each proposed rule or regulation filed in the office of the ~~city clerk of the council~~.

Sec. 141-14. Hearing.

~~(e)~~ On the date set for a hearing on a proposed rule or regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed rule or regulation through the presentation of facts or arguments or the submission of written data or facts. All relevant matters presented shall be given full consideration by the ~~board of public works agency~~. All hearings conducted by the ~~board of public works agency~~ shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized representative or attorney.

Sec. 141-15. Adoption or continuance.

~~(d) Publication of adopted rules and regulations and review by the city-county council.~~ At the conclusion of a public hearing held pursuant to this section, the ~~board of public works agency~~ may adopt such rules and regulations or may provide for the continuation of the hearing as the board may deem appropriate, which further hearings may be held without the requirement of publication notice if the date and time of next consideration is announced concurrently with the decision to continue the hearing.

Sec. 141-16. Publication.

After adoption of such rules and regulations, ~~the secretary of the board shall file a copy of the same with the clerk of the city-county council. The board agency shall publish a notice, once a week for two (2) consecutive weeks after each board meeting at which rules and regulations were are adopted, that the board of public works agency has adopted certain rules and regulations, giving the number of the same and the general title thereof and stating that copies are available for examination in the office of the department of public works agency and the office of the city clerk of the council. The agency shall file two copies of the rules and regulations with the clerk of the council along with proof of publication.~~

Sec. 141-17. Effective date.

~~The rules and r~~Regulations shall not become effective or enforceable until ~~thirty (30) forty-five (45)~~ days after the date ~~upon which the regulations are filed with the clerk of first publication, unless the Mayor proclaims an emergency effective date. During such thirty-day (30) forty-five day period, the city-county council may further by resolution stay, up to a maximum of ninety (90) days from the date of first publication required by Sec. 141-16, the taking effect of such rules and regulations for review by the city-county council or for legislation by.~~ The city-county council within the subject matter of the rules and regulations or may by resolution or ordinance disapprove or reject such rules or regulations, in which latter case the action of the board of public works agency in adopting such rules and regulations shall be of no effect. Unless preempted by applicable law, the council may also adopt ordinances on the same subject matter thereby abrogating the agency's authority to adopt the proposed regulations. After complying with the requirements for publication, and if the city-county council has not stayed the taking effect of such ~~rules and regulations~~ or disapproved or rejected them, such ~~rules and regulations~~ as are adopted by the ~~board agency~~ shall become effective.

Sec. 141-18. (e) Alteration of existing rules or regulations.

In case the ~~board of public works agency~~ desires to repeal, rescind or amend any rule or regulation, the same procedures shall be followed as are provided in this section for the promulgation of rules or regulations.

Sec. 141-19. (f) Enforcement of ~~rules and~~ regulations promulgated under this section.

A violation of any ~~rule or~~ regulation promulgated under this section constitutes a municipal violation. Any person convicted of violating any ~~rule or~~ regulation promulgated under this section shall be subject to the general penalty provisions contained in section ~~403-3~~ 103-3 of this Code unless the regulations violated provides for a different or lesser penalty, or an alternative means of enforcement.

Sec. 141-20. Administrative code.

(a) The clerk of the council shall be responsible for maintaining and making available to the public the collection of regulations and rules to be titled the Indianapolis Administrative Code.

(b) Before November 1, 1997, all agencies shall file with the clerk a copy of all rules and regulations currently adopted and enforced by the agency. Any rules or regulations not so filed shall be of no force or effect after December 31, 1997.

Sec. 141-21. Temporary rules or regulations.

An agency may in case of emergencies or temporary circumstances adopt a rule or regulation which by its terms will expire not more than thirty (30) days after its adoption provided the same is promptly filed with the Clerk of the Council.

## NEW BUSINESS

Councillor Golc stated that he is concerned about the moving of contaminated soil from downtown to the west side as reported in recent news articles. He added that he thinks the neighborhood groups should have input into this process. The President stated that such soil is usually de-contaminated before being moved. Councillor Hinkle suggested that the administration be approached about providing some type of communication regarding this situation to Councillors whose districts are affected.

Mr. Elrod made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition 97-Z-59, Council Proposal No. 510, 1997, at its next regular meeting on August 4, 1997, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 30 acres at 4505 South Meridian Street from D-A to D611 to provide for attached multi-family residential.

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

## 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 Jones and Talley in memory of Willie Larkins; and
- (2) Councillor Jones in memory of Andrew Parnell; and
- (3) Councillor Boyd in memory of Paul Cantwell and Henri Gibson; and
- (4) Councillor Williams in memory of Leo Vandermark.



July 21, 1997

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 memory of Willie Larkins, Andrew Parnell, Paul Cantwell, Henri Gibson, and Leo Vandermark. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:06 p.m.

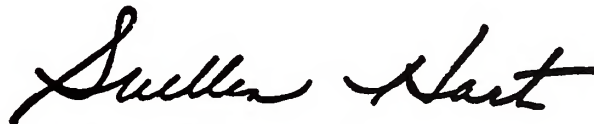
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 21st day of July, 1997.

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)