

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

**REGULAR MEETINGS
MONDAY, DECEMBER 14, 1998**

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 7:13 p.m. on Monday, December 14, 1998, with Councillor SerVaas presiding.

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

ROLL CALL

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

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

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

SPECIAL ORDERS - PUBLIC HEARING

Stephen Mears, representative for Crossman Communities Corporation, asked for consent to postpone Proposal No. 734, 1998, Rezoning Case 98-Z-217, which was called out for public hearing at the November 23rd Council meeting, until the Council's meeting on January 25, 1999. Councillor Short moved, seconded by Councillor Gray, to postpone Proposal No. 734, 1998 until January 25, 1999. Proposal No. 734, 1998 was rescheduled for a public hearing on January 25, 1999 by a unanimous voice vote. Proposal No. 734, 1998 is identified as follows:

98-Z-217

4502 WEST 56th STREET (approximate address), INDIANAPOLIS.
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

CROSSMAN COMMUNITIES CORPORATION, by Stephen D. Mears, requests a rezoning of 12.36 acres, being in the C-S District, to the D-5II classification to provide for a single-family residential development.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Cockrum introduced the new Director of the Parks Department, Jim Parham. Councillor Jones recognized representatives from the Organization for a New Eastside. Councillor Talley introduced Vince Fruge, Vice President of WTLC Radio. Councillor McClamroch recognized Rex Early, former gubernatorial candidate, and his wife Barbara. Councillor Borst recognized Dick Peterecca from Perry Township, and elected officials Sheriff Jack Cottey, County Clerk Sarah Taylor, Marion County Republican Chairman Jon Sweezy, County Auditor Marty Womacks, and Prosecutor Scott Newman.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 14, 1998, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

November 24, 1998

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 Friday, November 27, 1998, and in the *Indianapolis Star* or the *Indianapolis News* on Saturday, November 28, 1998, a copy of a Notice of Public Hearing on Proposal Nos. 717, 718, and 734, 1998, said hearing to be held on Monday, December 14, 1998, at 7:00 p.m. in the City-County Building.

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

November 30, 1998

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, December 2, 1998, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday,

December 14, 1998

December 3, 1998, a copy of a Notice of Public Hearing on Proposal Nos. 721 and 722, 1998, said hearing to be held on Monday, December 14, 1998, at 7:00 p.m. in the City-County Building.

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

November 30, 1998

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 and resolutions:

FISCAL ORDINANCE NO. 142, 1998 - approves an increase of \$161,348 in the 1998 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to continue and expand the alternative sentencing program funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 143, 1998 - approves an increase of \$5,000 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to fund overtime for a deputy to participate in the "Operation Failed Chance" task force in designated "Weed and Seed" areas funded by a grant from the US Marshall

FISCAL ORDINANCE NO. 144, 1998 - approves an increase of \$82,873 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund the final year of a five-year study on alternative sentences for drunk driving defendants funded by a grant from the Governor's Council on Impaired and Dangerous Driving

FISCAL ORDINANCE NO. 145, 1998 - approves an increase of \$348,674 in the 1998 Budgets of the Prosecuting Attorney and County Auditor (State and Federal Grants Fund) to continue the Victim Advocate and the Adult Protective Services Programs funded by grants from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 147, 1998 - approves an increase of \$434,431 in the 1998 Budget of the Community Corrections Agency (Home Detention User Fee Fund) to fund the Agency for fiscal year 1998-1999 funded by home detention user fees

FISCAL ORDINANCE NO. 148, 1998 - approves an increase of \$100,000 in the 1998 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to purchase data transcription equipment, financed by a character transfer and a reduction in the fund balance in the Local Law Enforcement Block Grant program

FISCAL ORDINANCE NO. 149, 1998 - approves an increase of \$68,090 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund Child Advocates funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 150, 1998 - approves an increase of \$15,000 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to increase funding for Project Impact funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 151, 1998 - approves an increase of \$95,668 in the 1998 Budgets of the County Auditor and County Sheriff (State and Federal Grants Fund) to fund the Victim Assistance and Child Abuse Intervention and Prevention Programs for 1998/1999 funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 152, 1998 - approves an increase of \$17,871 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to pay salaries of two officers assigned to the FBI Task Force Program financed by a grant from the Federal Bureau of Investigation

FISCAL ORDINANCE NO. 154, 1998 - approves an increase of \$400,000 in the 1998 Budgets of the County Auditor and of the Marion County Superior Court (State and Federal Grants Fund) to fund the treatment-based drug court for two years funded by a grant from the United States Department of Justice/Drug Court Program Office

FISCAL ORDINANCE NO. 155, 1998 - approves an increase of \$78,815 in the 1998 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to hire a clinical social worker and to support other operating costs for the Court's Title IV-D access and visitation program for non-custodial parents funded by a grant from the Indiana Family Social Services Administration

FISCAL ORDINANCE NO. 156, 1998 - approves an increase of \$35,000 in the 1998 Budget of the Marion County Superior Court (State and Federal Grants Fund) to continue court-ordered supervised visitation provided by Indiana Advocates for Children, Inc. funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 160, 1998 - approves a transfer of \$40,000 in the 1998 Budget of Voter's Registration (County General Fund) to purchase computers

GENERAL ORDINANCE NO. 159, 1998 - authorizes a drug treatment diversion program fee and establishes a drug treatment diversion program fund

GENERAL ORDINANCE NO. 160, 1998 - establishes a juvenile court alternative school services fund

GENERAL ORDINANCE NO. 161, 1998 - establishes loading zones in the Regional Center

GENERAL ORDINANCE NO. 162, 1998 - amends the Revised Code concerning civil penalties

GENERAL ORDINANCE NO. 163, 1998 - authorizes the deletion of parking meter zones and adding parking restrictions to various Downtown locations (Districts 16, 22)

GENERAL ORDINANCE NO. 164, 1998 - authorizes a traffic signal at 71st Street and Johnson Road (District 4)

GENERAL ORDINANCE NO. 165, 1998 - authorizes a multi-way stop at 61st Street and Ralston Avenue (District 7)

GENERAL ORDINANCE NO. 166, 1998 - authorizes a change in the speed limit on Banta Road from Tibbs Avenue to East Street (U.S. 31) (Districts 20, 25)

GENERAL ORDINANCE NO. 167, 1998 - authorizes a weight limit restriction on Banta Road from Bluff Road to East Street (District 25)

GENERAL ORDINANCE NO. 168, 1998 - authorizes a change in parking restrictions for North Street between New Jersey Street and East Street (District 22)

GENERAL ORDINANCE NO. 169, 1998 - authorizes parking restrictions on Salem Street near 35th Street (District 6)

GENERAL ORDINANCE NO. 170, 1998 - authorizes parking restrictions on Keystone Avenue near Southeastern Avenue (District 21)

SPECIAL ORDINANCE NO. 11, 1998 - a special ordinance for Thomas W. Killion authorizing the issuance of \$1,210,000 in City of Indianapolis, Indiana Economic Development Refunding Revenue Bonds, Series 1998, to refund the previously-issued \$1,280,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1997, located at 7901 West 21st Street (Thomas W. Killion Project) (District 18)

GENERAL RESOLUTION NO. 19, 1998 - approves the sale of a parcel of real estate having an appraisal value of \$50,000 or more

GENERAL RESOLUTION NO. 20, 1998 - approves and authorizes execution of an agreement between the City of Indianapolis and the City of Greenwood for the treatment and disposal of sewage and wastewater

SPECIAL RESOLUTION NO. 48, 1998 - commends the 1999 IPALCO 500 Festival Parade for recognizing America's Medal of Honor recipients

SPECIAL RESOLUTION NO. 49, 1998 - recognizes the public service of Ed Mitro

SPECIAL RESOLUTION NO. 50, 1998 - an inducement resolution for Pedcor Investments, LLC acting on behalf of a to-be-formed limited partnership and/or Affordable Housing Partners, Inc., an Indiana not-for-profit in an amount not to exceed \$14,000,000 to be used for the acquisition, development, construction, and equipping of a 192-unit residential complex to be located at 2925 Waterfront Parkway (Waterfront Property Project) (District 18)

SPECIAL RESOLUTION NO. 51, 1998 - approves amendments to the Marion County Sheriff's Department Personnel Retirement Plan

SPECIAL RESOLUTION NO. 52, 1998 - extends the lease of the property at 147 East Maryland Street from April 30, 2000, to April 30, 2015, and includes an option to purchase

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of November 23, 1998. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 762, 1998. The proposal, sponsored by Councillor Dowden, recognizes the public service of Bernard J. "Bud" Gohmann, Jr. Councillor Dowden read the proposal and presented Mr. Gohmann with a copy of the document and a Council pin. Sheriff Cottey, Mr. Early, and Mr. Sweezy thanked Mr. Gohmann for his public service over the years and stated that he will be missed greatly. Mr. Gohmann stated that he is honored to be recognized in this way and thanked the Council for their support over the years. Councillor Dowden moved, seconded by Councillor McClamroch, for adoption. Proposal No. 762, 1998 was adopted by a unanimous voice vote.

Proposal No. 762, 1998 was retitled SPECIAL RESOLUTION NO. 53, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1998

A SPECIAL RESOLUTION recognizing the public service of Bernard J. "Bud" Gohmann, Jr.

WHEREAS, Bernard J. "Bud" Gohmann, Jr., who has become a well-known and respected personality in the City-County Building over the past several decades, has never forgotten his hard working, honest, Irish roots developed on the Near Southside of Indianapolis; and

WHEREAS, after returning from service in the U.S. Army, Bud, a graduate of Indiana Central University (now the University of Indianapolis), served as head of the Marion County Sheriff's Civil Division, constituent service representative for Mayor Richard Lugar, served eight years as the elected Marion County Clerk and will conclude twelve years as the Marion County Assessor, and truly reflects the qualities of his twice-bestowed title of Sagamore of the Wabash; 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, on behalf of the people of Indianapolis and Marion County, recognizes the lifetime of dedicated public service of Bud Gohmann.

SECTION 2. City Hall will miss one of its favorite Irishmen, a loyal Republican who has many friends on both sides of the aisle, a man who enjoys life and helping others, who is a truly unpretentious, outstanding public servant and friend.

SECTION 3. The Council wishes the very best of health and happiness to Bud and Vicki and their family in his retirement years.

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

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

PROPOSAL NO. 763, 1998. The proposal, sponsored by Councillor Dowden, recognizes the public service of William G. Lantz, III. Councillor Dowden read the proposal and presented Mr. Lantz with a copy of the document and a Council pin. Ms. Womacks stated that Mr. Lantz will be greatly missed, and she wished him well in his new position at the State Auditor's Office. Mr. Lantz thanked the Council for the honor and stated that it means a lot to him and he feels that City and County staff and officials are doing what is best for the citizens of Marion County. He thanked Ms. Womacks, former County Auditor John von Arx, and his wife Natalie for their support. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 763, 1998 was adopted by a unanimous voice vote.

Proposal No. 763, 1998 was retitled SPECIAL RESOLUTION NO. 54, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1998

A SPECIAL RESOLUTION recognizing the public service of William G. Lantz, III.

WHEREAS, William G. Lantz, III is leaving Indianapolis-Marion County government on the east end of Market Street to join Indiana state government on the west end of Market Street; and

WHEREAS, Bill has been Chief Deputy Auditor in the Marion County Auditor's Office since 1992, and before that he worked in the Controller's Office and as an Assistant Controller in the Departments of Metropolitan Development and Transportation since 1977; and

WHEREAS, Bill, a native of Gates Mills, Ohio, is a graduate of Hanover College and of Indiana University, and holds both an MBA and a CPA; and

WHEREAS, in his twenty-one years with the city and county governments he has had extensive experience with preparing and monitoring budgets, conducting financial forecasts, working with bond rating agencies and serving as liaison with the City-County Council; and

WHEREAS, beyond his busy official duties, Mr. Lantz has made time to be active in Scouting, amateur radio, the state CPA Society, Government Finance Officers Association, the Marion County Republican Party, his Quaker Church and in the Warren Township Vocal Music Parents Association; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Bill Lantz for his more than two decades of outstanding public service to the citizens of Indianapolis and Marion County.

SECTION 2. The Council will miss Bill, but wishes him the best of success as he takes his considerable talents and experience to the State Auditor's Office.

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

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

PROPOSAL NO. 764, 1998. The proposal, sponsored by Councillors Short, Golc, and Boyd, recognizes the Cathedral High School state football champions. Councillor Short read the proposal and presented team members and coaches with copies of the document and Council pins. Councillors Boyd and Golc congratulated the team on their accomplishments. Head Coach

Rick Streiff and senior team member Charles Stanback thanked the Council for this recognition. Councillor Short moved, seconded by Councillor Golc, for adoption. Proposal No. 764, 1998 was adopted by a unanimous voice vote.

Proposal No. 764, 1998 was retitled SPECIAL RESOLUTION NO. 55, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1998

A SPECIAL RESOLUTION recognizing the Cathedral High School state football champions.

WHEREAS, Cathedral High School's 11th consecutive winning game on November 28, 1998, was an especially sweet victory—for it captured the school's fourth football state championship trophy; and

WHEREAS, the gold-helmeted Cathedral Fighting Irish were dynamite on defense at the Indiana High School Athletic Association's Class 4A final championship game, handily defeating Concord High School with a final score of 38-7; and

WHEREAS, Cathedral has become a genuine winning state football force in their mid-sized school division; now; therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Cathedral High School Fighting Irish for winning this year's state Class 4A football championship.

SECTION 2. The Council specifically recognizes the graduating senior Irish team members D.J. Pitrelli, Andy Christiansen, Mark Rinehart, George Allen, Clint Seal, Phil Brown, JaJuan Broadus, Bill Mattingly, Ben Allen, Danny Donahue, Charles Stanback, Derek Christian, Andy Peters, Scott Peterson and Alex Hammond; along with all of the undergraduate team members.

SECTION 3. Also commended are Head Coach Rick Streiff; Assistant Coaches Doug Armstrong, Mark Deal, Tom Luken, Jim O'Hara, Kevin Mattson, Bill Peebles, Greg Boysaw, Chris Jacobs, Chris Kaufman, Scott Symmonds, Jim McLinn, John Clamme, Jim Koers and Terry Ford; Honorary Captain Andy Dunne; Student Trainers Kristen Dugan, Rhonda Hardin, Bill Keyes, Jack Gardner and Brandon Simpson; Athletic Trainer Mike Hunker; Team Physician Dr. Don Shelbourne; Video Michael P. Alerding; Statisticians David George, David Fox and Ryan Harris; Cathedral President Julian T. Peebles; Principal Rev. Patrick J. Kelly, Athletic Director Jim Williams; and Director of Publicity Chris Kaufman.

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

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

PROPOSAL NO. 768, 1998. The proposal, sponsored by Councillor Smith, recognizes the Franklin Central High School state champion cross-country team. In Councillor Smith's absence, Councillor Moores read the proposal and presented team members and coaches with copies of the document and Council pins. Coach Eric Kellison and team member Brian Janes thanked all who supported the team through the season, and thanked the Council for the recognition. Councillor Moores moved, seconded by Councillor Gilmer, for adoption. Proposal No. 768, 1998 was adopted by a unanimous voice vote.

Proposal No. 768, 1998 was retitled SPECIAL RESOLUTION NO. 56, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1998

A SPECIAL RESOLUTION recognizing the Franklin Central High School state champion cross-country team.

WHEREAS, Franklin Central High School had never been to the cross-country state finals before, but they entered this year for the first time—and won; and

WHEREAS, during the finals on November 7, on the 5,000 meters (or 3.1 miles) track of grass, hills and ravines near Bloomington, the Franklin Township marathon runners won the state championship trophy beating 2nd place Portage from Northwest Indiana; and

WHEREAS, not only did the team win, but Franklin Central's Aaron Fisher was the winning individual in the state contest, with Fisher breaking the Bloomington course record; and

WHEREAS, there are 363 schools in the state with cross-country programs, and the sport is not broken up into school size-division classifications; 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 the Franklin Central High School cross-country team for unquestionably being the Number One team in Indiana by winning the single division state championship title.

SECTION 2. The Council specifically recognizes team members Nate Dinges, Charlie Dolk, Brent Doughty, Brian Dunn, Aaron Fisher, Brian Janes, Sam Marlin, Justin Nolan, Mark Rode, Chris Sachse, Brandon Shipp and Matt Sweetman; Assistant Coaches Anthony Hibbs and Jack Spence; and Head Coach Eric Kellison.

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

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

PROPOSAL NO. 765, 1998. The proposal, sponsored by Councillor Tilford, recognizes Public Works Director Ted Rhinehart. Councillor Tilford read the proposal and presented Mr. Rhinehart with a copy of the document and a Council pin. Mr. Rhinehart thanked the Council for their support and for the recognition. Councillor Tilford moved, seconded by Councillor Coughenour, for adoption. Proposal No. 765, 1998 was adopted by a unanimous voice vote.

Proposal No. 765, 1998 was retitled SPECIAL RESOLUTION NO. 57, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 1998

A SPECIAL RESOLUTION recognizing Public Works Director Ted Rhinehart.

WHEREAS, Ted Rhinehart capably served as Deputy Director and then as Director of the Indianapolis Department of Public Works since 1995; and

WHEREAS, he came to Indianapolis from managing the Bloomington, Indiana, public works department while also teaching public management and finance courses at Indiana University; and

WHEREAS, In Indianapolis Mr. Rhinehart negotiated ten-year operating agreements for wastewater treatment and collection system maintenance, he opened up competitive five-year solid waste collections contracts for residential trash collections through the year 2003, he negotiated Clean Air Act-mandated retrofit to the Resource Recovery Facility and interlocal waste water agreements with Greenwood and Lawrence, and he increased the city's sewer and solid waste fund balances through contract savings; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends Ted Rhinehart for his exceptional stewardship service to the people of this city as Director of the Indianapolis Department of Public Works.

SECTION 2. The Council will miss Ted, and wishes him well as he begins his new public works job in California in January.

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

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

PROPOSAL NO. 769, 1998. The proposal, sponsored by Councillor Moores, recognizes Sheriff's Department Deputy Chief Michael J. Hoak. Councillor Moores read the proposal and presented Sheriff Cottey with a copy of the document and a Council pin to present to Deputy Chief Hoak. Sheriff Cottey thanked the Council on Deputy Hoak's behalf and stated that Deputy Hoak will be greatly missed. Councillor Moores moved, seconded by Councillor Massie, for adoption. Proposal No. 769, 1998 was adopted by a unanimous voice vote.

Proposal No. 769, 1998 was retitled SPECIAL RESOLUTION NO. 58, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 1998

A SPECIAL RESOLUTION recognizing Sheriff's Department Deputy Chief Michael J. Hoak.

WHEREAS, Marion County Sheriff's Department Deputy Chief Michael J. Hoak joined the department in 1974 when Richard Lugar was Mayor, John Ruckelshaus was a City-County Councillor and Lee Eads was Sheriff; and

WHEREAS, Chief Hoak began as a jail deputy for three years, and then went out on road patrol for several years; and

WHEREAS, twelve years after he first pinned on his Sheriff's Department badge, he was promoted to the rank of permanent Sergeant, and in 1987, Michael Hoak was promoted to Lieutenant and acting Deputy Chief as Commander of the Law Enforcement Division; and

WHEREAS, Chief Hoak served under Sheriff's Eads, Broderick, Manders, Gilman, Wells, McAtee and Cottey, and will retire from the department after serving as Deputy Chief of Investigations for the past four years; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the distinguished career of Marion County Sheriff's Department Deputy Chief Michael J. Hoak.

SECTION 2. The Council wishes Chief Hoak the best of health and happiness in the years ahead.

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

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

PROPOSAL NO. 766, 1998. The proposal, sponsored by Councillor Talley, concerns WTLC-AM and FM radio. Councillor Talley read the proposal and presented station Vice President Vince Fruge with a copy of the document and a Council pin. Mr. Fruge thanked the Council for this recognition. Councillor Talley moved, seconded by Councillor Black, for adoption. Proposal No. 766, 1998 was adopted by a unanimous voice vote.

Proposal No. 766, 1998 was retitled SPECIAL RESOLUTION NO. 59, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 1998

A SPECIAL RESOLUTION concerning WTLC-AM and FM radio.

WHEREAS, Indianapolis is America's 16th largest African-American community, and for the past 30 years WTLC-AM and FM has been the major radio station serving that audience with entertainment, information and a strong commitment to community service; and

WHEREAS, since 1968, WTLC has been an integral part of Indianapolis' African-American community by co-sponsoring the annual Indiana Black Expo and as a co-sponsor of the Circle City Classic where the revenue that is raised benefit scholarships for students in our city; and

WHEREAS, thirty-year-old WTLC, which is owned by Emmis Broadcasting, will soon be moving to newer offices on Monument Circle in downtown Indianapolis to better serve the Indianapolis community; 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, in behalf of the people of Indianapolis, recognizes and congratulates WTLC radio for their 30 years of service, and wishes them well as they move into their new facilities.

SECTION 2. The station serves as a good example of one of the greatest strengths of Indianapolis—that being the willingness of businesses and individuals to generously contribute back to this community.

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

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

PROPOSAL NO. 767, 1998. The proposal, sponsored by Councillor Coonrod, recognizes volunteer coaches Garlan Davis and Andre Thomas. Councillor Coonrod read the proposal and stated that he will present copies of the document to Mr. Davis and Mr. Thomas at a later time. Councillor Coonrod moved, seconded by Councillor Hinkle, for adoption. Proposal No. 767, 1998 was adopted by a unanimous voice vote.

Proposal No. 767, 1998 was retitled SPECIAL RESOLUTION NO. 60, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 1998

A SPECIAL RESOLUTION recognizing volunteer coaches Garlan Davis and Andre Thomas.

WHEREAS, Garlan Davis and Andre Thomas have served the people of Lawrence Township as volunteer coaches of the Lawrence Youth Football League for the past three years; and

WHEREAS, they have instilled the positive virtues of good sportsmanship, academics and moral values to a countless number of Lawrence Township children; and

WHEREAS, Garlan Davis and Andre Thomas led the Lawrence Township Rams to the league championship on November 7, 1998; and

WHEREAS, throughout their busy worklives, Mr. Davis and Mr. Thomas have found the time to be involved with the children of Lawrence Township; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the years of service by Garlan Davis and Andre Thomas to the children and citizens of Lawrence Township.

SECTION 2. These two gentlemen reflect the highest credit upon Lawrence Township and upon themselves, and the Council wishes them the best in future years.

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

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

PROPOSAL NO. 571, 1998. Councillor McClamroch reported that the Economic Development Committee heard Proposal No. 571, 1998 on December 10, 1998. The proposal reappoints Larry J. Barrett to the Beech Grove Economic Development Commission. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Borst, for adoption. Proposal No. 571, 1998 was adopted by a unanimous voice vote.

Proposal No. 571, 1998 was retitled COUNCIL RESOLUTION NO. 73, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 1998

A COUNCIL RESOLUTION reappoints Larry J. Barrett to the Beech Grove Economic Development Commission.

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 Beech Grove Economic Development Commission, the Council appoints:

Larry J. Barrett

SECTION 2. The appointment made by this resolution is for a term ending January 31, 2001. 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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 742, 1998. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which allows automatic deposit of State of Indiana distributions to city and county entities by electronic funds transfer"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 743, 1998. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the City of Indianapolis by and through its Department of Administration to transfer one 1995 Chevrolet Cargo Van C30 to the Faith Teaching Church of Deliverance to further the objectives and activities of the Front Porch Alliance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 744, 1998. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for 21st Street and Warren Central High School Access Drive (9700 East) (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 745, 1998. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Harding Street and Pilot Access Drive (4600 South) (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 746, 1998. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Girls School Road and Ben Davis High School Middle Drive and Rolling Hills Drive (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 747, 1998. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Allisonville Road and Circuit City Drive (8350 North) (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 748, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Tina Bussell to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 749, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Bruce Laetsch to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 750, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Philip D. Pecar to the Health and Hospital Corporation Board of Trustees"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 770, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which urges the General Assembly to provide vouchers for educational choice"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 751, 1998. Councillor Borst reported that the Economic Development Committee heard Proposal No. 751, 1998 on December 10, 1998. The proposal is an inducement resolution for Southern Apartment Specialists, Inc., or a to-be-formed entity, in an amount not to exceed \$12,800,000 to be used for the acquisition and renovation of the existing 238-unit Vantage Point Apartments located at 4475 Allisonville Road (Southern Apartment Specialists, Inc. Project) (District 11). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 751, 1998 was adopted on the following roll call vote; viz:

18 YEAS: Borst, Bradford, Brents, Cockrum, Coonrod, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford

0 NAYS:

8 NOT VOTING: Black, Boyd, Coughenour, Dowden, Franklin, Golc, Talley, Williams

3 ABSENT: Curry, Moriarty Adams, Smith

Proposal No. 751, 1998 was retitled SPECIAL RESOLUTION NO. 61, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 1998

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

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

WHEREAS, Southern Apartment Specialists, Inc. or a to-be-formed entity (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition and renovation of the existing 238-unit Vantage Point Apartment project and the conversion of existing office/retail space into 22 new apartment units and a community center to contain a senior center and a day care facility located at 4475 Allisonville Road, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and renovation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

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

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

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

industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$12,800,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 1999, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

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

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

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

PROPOSAL NO. 752, 1998 and PROPOSAL NOS. 753-761, 1998. Introduced by Councillor Hinkle. Proposal No. 752, 1998 and Proposal Nos. 753-761, 1998 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on December 9, 1998. 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. 249-258, 1998, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 249, 1998.

98-Z-206

2801 SOUTH FISHER ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

MARION COUNTY AGRICULTURAL AND 4-H CLUB FAIR ASSOCIATION, INC., by David A. Retherford, requests a rezoning of 43.0 acres, being in the D-A District, to the SU-9 classification to provide for fairgrounds parking.

REZONING ORDINANCE NO. 250, 1998.

98-Z-172

225-239 WEST SOUTH STREET; 701-745 SOUTH MISSOURI STREET; AND 620 SOUTH CAPITOL AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

CAPITAL IMPROVEMENT BOARD OF MANAGERS OF MARION COUNTY, INDIANA, by Mary E. Solada, requests a rezoning of 6 acres, being in the I-3-U District, to the CBD-2 classification to provide for uses associated with the RCA Dome and the Convention Center and other uses in Central Business District – Two.

REZONING ORDINANCE NO. 251, 1998.

98-Z-190 (98-DP-31)

6545 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

CROSSMAN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 64.83 acres, being in the D-A District, to the D-P classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 252, 1998.

98-Z-193

3530-3566 WEST 71st STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

ST. DAVID COMMUNITY CHRISTIAN WORSHIP CENTER requests a rezoning of 16.0 acres, being in the D-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 253, 1998.

98-Z-209

6404 RUCKER ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

ROL. LLC, by Mary E. Solada, requests a rezoning of 2 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses including a convenience store.

REZONING ORDINANCE NO. 254, 1998.

98-Z-213

1001 EAST PALMER STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

HORIZON CHRISTIAN FELLOWSHIP requests a rezoning of 2.0 acres, being in the D-5 District, to the SU-I classification to provide for religious uses.

REZONING ORDINANCE NO. 255, 1998.

98-Z-234

502 TREMONT STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT 316

CHRISTAMORE HOUSE, INC., by Matthew M. Price, requests a rezoning of 1.14 acres, being in the D-5, C-3, and PK-1 Districts, to the SU-38 classification to provide for neighborhood community center uses.

REZONING ORDINANCE NO. 256, 1998.

98-Z-240

425 SOUTH FOLTZ STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

WORD OF LIFE FULL GOSPEL CHURCH requests a rezoning of 4.21 acres, being in the C-1 District, to the SU-1 classification to provide for development of a church.

REZONING ORDINANCE NO. 257, 1998.

98-Z-241

1250 WEST THOMPSON ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

CAVE HOLDINGS, by Brian J. Tuohy, requests a rezoning of 7.16 acres, being in the I-3-S District, to the C-7 classification to provide for the development of a construction equipment repair, leasing, and sales facility.

REZONING ORDINANCE NO. 258, 1998.

98-CP-36Z

7803 ALLISONVILLE ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

ROGER L. KESSLER requests a rezoning of 6 acres, being in the D-A District, to the D-P classification to provide for single-family residential development with a private street.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 679, 1998. In Councillor Dowden's absence, Councillor Schneider reported that the Public Safety and Criminal Justice Committee heard Proposal No. 679, 1998 on December 2, 1998. The proposal, sponsored by Councillor Dowden, approves an increase of \$2,700 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for additional funding to Breaking Free funded by a grant from the Indiana Criminal Justice Institute. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:15 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Borst, for adoption. Proposal No. 679, 1998 was adopted on the following roll call vote; viz:

19 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Talley, Tilford

0 NAYS:

7 NOT VOTING: Boyd, Coughenour, Dowden, Franklin, Golc, Short, Williams

3 ABSENT: Curry, Moriarty Adams, Smith

Proposal No. 679, 1998 was retitled FISCAL ORDINANCE NO. 161, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 161, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Two Thousand Seven Hundred Dollars (\$2,700) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.02(v) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to provide for additional funding to Breaking Free funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Two Thousand Seven Hundred Dollars (\$2,700) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>2,700</u>
TOTAL INCREASE	2,700

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>2,700</u>
TOTAL REDUCTION	2,700

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.

Councillor Schneider reported that the Administration and Finance Committee heard Proposal Nos. 717 and 718, 1998 on December 1, 1998.

PROPOSAL NO. 717, 1998. The proposal authorizes tax anticipation borrowing for the City during the period from January 1, 1999, through December 31, 1999. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:18 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 717, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 717, 1998 was retitled FISCAL ORDINANCE NO. 162, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 162, 1998

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Park General Fund during the period January 1, 1999, through December 31, 1999, in anticipation of current taxes levied in the year 1998 and collectible in the year

1999 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

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

A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 1999 distributions of Taxes levied for such Account, and the June and December 1999 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Thirty-Nine Million Four Hundred Sixty Thousand Eight Hundred Thirty-Two Dollars (\$39,460,832) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1999 distributions of Taxes levied for such Fund, and the June and December 1999 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Five Million Five Hundred Forty-Nine Thousand Four Hundred Seventy-Eight Dollars (\$5,549,478) and the interest cost of making temporary loans for the Police Pension Fund;

C. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 1999 distributions of Taxes levied for such Account, and the June and December 1999 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Thirty-One Million Fifty-Seven Thousand Eight Hundred Four Dollars (\$31,057,804) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and

D. that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1999 distributions of Taxes levied for such Fund, and the June and December 1999 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Four Million Nine Hundred Fifty-Seven Thousand Two Hundred Ninety-Three Dollars (\$4,957,293) and the interest cost of making temporary loans for the Firemen's Pension Fund; and

E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 1999 distributions of Taxes levied for such Fund, and the June and December 1999 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Fifteen Million Three Hundred Sixty-Five Thousand Eight Hundred Thirty-Five Dollars (\$15,365,835) and the interest cost of making temporary loans for the Park General Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 1998 and in the course of collection for the year 1999; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Thirty-Nine Million Four Hundred Sixty Thousand Eight Hundred Thirty-Two Dollars (\$39,460,832) in anticipation of Taxes for the Account for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 1999 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 1999 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 1999 Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Five Million Five Hundred Forty-Nine Thousand Four Hundred Seventy-Eight Dollars (\$5,549,478) in anticipation of Taxes for the Fund for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 1999 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 1999 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 1999 Budget Fund No. 810, Character 03, Other Services and Charges. Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Thirty-One Million Fifty-Seven Thousand Eight Hundred Four Dollars (\$31,057,804) in anticipation of Taxes for the Account for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 1999 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the Consolidated City Fire Force Account, the 1999 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1999 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Four Million Nine Hundred Fifty-Seven Thousand Two Hundred Ninety-Three Dollars (\$4,957,293) in anticipation of Taxes for the Fund for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund from the June and December 1999 distributions of Taxes for the Firemen's Pension Fund to the Firemen's Pension Fund, the 1999 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Firemen's Pension Fund 1999 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Fifteen Million Three Hundred Sixty-Five Thousand Eight Hundred Thirty-Five Dollars (\$15,365,835) in anticipation of Taxes for the Fund for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 1999 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 1999 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1999 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund or Account may be issued in one series, designated Series 1999 Warrants ("Series 1999 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1999 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1999 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 1999 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than June 30, 1999. All Series B Warrants and Series 1999 Warrants shall mature and be payable

not later than December 31, 1999. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

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

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

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

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

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

No. _____ Principal \$ _____

CITY OF INDIANAPOLIS
TAX ANTICIPATION TIME WARRANT, SERIES 1999__
(_____ [FUND] [ACCOUNT])

On the ____ day of _____, 1999, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of ____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of ____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1998, and payable in the [first installment] [second installment] for the year 1999 ("Taxes"), which Taxes are now in course of collection for the _____ of the City, with which to pay general, current, operating expenses.

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

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the ____ day of _____, 1998, for the purpose of providing funds for the _____ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the _____ of the City for the year of 1998, payable in the [first installment] [second installment] for the year 1999, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

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

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

Dated this ____ day of _____, 1998.

CITY OF INDIANAPOLIS

By: _____
Mayor, City of Indianapolis

COUNTERSIGNED:

By: _____
Controller, City of Indianapolis

ATTEST:

By: _____
Clerk, City of Indianapolis

EXHIBIT A
(Advances)

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

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

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

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

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

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

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

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

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

PROPOSAL NO. 718, 1998. The proposal authorizes tax anticipation borrowing for the County General Fund, the County Family and Children's Fund, and the County Welfare Fund during the period from January 1, 1999, through December 31, 1999. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:19 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Talley, for adoption. Proposal No. 718, 1998 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Dowden, Gray, Williams

3 ABSENT: Curry, Moriarty Adams, Smith

Proposal No. 718, 1998 was retitled FISCAL ORDINANCE NO. 163, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 163, 1998

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund, the County Family and Children's Fund and the County Welfare Fund ("Funds") during the period from January 1, 1999, through December 31, 1999, in anticipation of current taxes levied in the year 1998 and collectible in the year 1999 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund, the County Family and Children's Fund and the County Welfare Fund pending the receipt of Taxes actually levied in 1998 and in the process of collection in 1999, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary

borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

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

A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than Eighty-Seven Million Twenty-Four Thousand One Hundred Sixty-Six Dollars (\$87,024,166) and the interest cost of making temporary loans for the County General Fund; and

B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Twenty Million Nine Hundred Eighty-Five Thousand Eight Hundred Twenty-Eight Dollars (\$20,985,828) and the interest cost of making temporary loans for the County Family and Children's Fund;

C. that there will be insufficient funds in the County Welfare Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Welfare Fund will collectively amount to more than Two Million Three Hundred Sixty-Six Thousand Sixty-Nine Dollars (\$2,366,069) and the interest cost of making temporary loans for the County Welfare Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1998 and in the course of collection for the year 1999; now, therefore:

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Eighty-Seven Million Twenty-Four Thousand One Hundred Sixty-Six Dollars (\$87,024,166) in anticipation of Taxes for the Fund for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 1999 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the maximum principal amount of Twenty Million Nine Hundred Eighty-Five Thousand Eight Hundred Twenty-Eight Dollars (\$20,985,828) in anticipation of Taxes for the Fund for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 1999 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Welfare Fund of the County in the maximum principal amount of Two Million Three Hundred Sixty-Six and Sixty-Nine Dollars (\$2,366,069) in anticipation of Taxes for the Fund for the year 1999, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Welfare Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Welfare Fund from the June and December 1999 distributions of Taxes for the County Welfare Fund, to the County Welfare Fund for the payment of the principal of the Warrants evidencing such temporary loans

and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of 8 percent per annum, to be determined as provided in Section 5 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 1999 Warrants ("Series 1999 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1999 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1999 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 1999 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 1999. All Series B Warrants and Series 1999 Warrants shall mature and be payable not later than December 31, 1999. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 5. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 5. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 4 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

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

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

SECTION 6. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal \$ _____

MARION COUNTY
TAX ANTICIPATION TIME WARRANT, SERIES 1999__
(_____ FUND)

On the ____ day of _____, 1999, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public

Improvement Bond Bank], at the office of the Marion County Treasurer the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of _____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of _____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1998, and payable from the [first installment] [second installment] for the year 1999 ("Taxes"), which Taxes are now in course of collection for the County _____ Fund, with which to pay general, current, operating expenses.

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

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the _____ day of _____, 1998, for the purpose of providing funds for the County _____ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County _____ Fund for the year of 1998, payable in the [first installment] [second installment] for the year 1999, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

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

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

Dated this _____ day of _____, 1999.

THE BOARD OF COMMISSIONERS
OF MARION COUNTY, INDIANA

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

COUNTERSIGNED:

By: _____
Mayor, City of Indianapolis

ATTEST:

By: _____
Auditor, Marion County

EXHIBIT A
(Advances)

SECTION 7. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office

of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 8. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

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

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

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

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

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

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 721, 1998. Councillor Schneider reported that the Public Safety and Criminal Justice Committee heard Proposal No. 721, 1998 on December 2, 1998. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$162,825 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a grant to the Family Advocacy Center for domestic violence and protective order advocates and other expenses funded by a grant from the Indiana Criminal Justice Institute. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Talley, for adoption. Proposal No. 721, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 721, 1998 was retitled FISCAL ORDINANCE NO. 164, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 164, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional One Hundred Sixty-two Thousand Eight Hundred Twenty-five Dollars (\$162,825) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to fund a grant to the Family Advocacy Center for domestic violence and protective order advocates and other expenses funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of One Hundred Sixty-two Thousand Eight Hundred Twenty-five Dollars (\$162,825) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>162,825</u>
TOTAL INCREASE	162,825

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>162,825</u>
TOTAL REDUCTION	162,825

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. 722, 1998. Councillor Schneider reported that the Public Safety and Criminal Justice Committee heard Proposal No. 722, 1998 on December 2, 1998. The proposal, sponsored by Councillor Dowden, approves an increase of \$117,674 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a grant to the Family Advocacy Center for domestic violence advocates, a child interviewer, a family resource coordinator, and other

expenses funded by a grant from the Indiana Criminal Justice Institute. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:21 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 722, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 722, 1998 was retitled FISCAL ORDINANCE NO. 165, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 165, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional One Hundred Seventeen Thousand Six Hundred Seventy-four Dollars (\$117,674) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to fund a grant to the Family Advocacy Center for domestic violence advocates, a child interviewer, a family resource coordinator, and other expenses funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of One Hundred Seventeen Thousand Six Hundred Seventy-four Dollars (\$117,674) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>117,674</u>
TOTAL INCREASE	117,674

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>117,674</u>
TOTAL REDUCTION	117,674

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.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 675, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 675, 1998 on November 16, 1998. Out of deference to Councillor Schneider's request for a report on the performance of previous grant recipients, Proposal No. 675, 1998 was postponed in Council on November 23, 1998. The proposal approves the 1999 Consolidated Annual Plan and the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Block Grant Funds. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that although he received the requested information from the Department of Metropolitan Development (DMD), he still has concerns. He said that he would rather see these funds go to repair companies for actually doing the work, than to see them filtered through neighborhood groups, where some of the money may be used for administration. He added that this grant process needs to be audited by an outside agency in all phases.

Councillor Williams stated that five organizations in her district receive some of these grant dollars, and she knows exactly how those dollars are spent because the neighborhood groups take bids and award contracts and report how the funds are used. She added that there is a high degree of accountability with these funds, both from DMD and the federal government. She stated that this grant process is an important service to the neighborhoods and is watched more carefully than ever before.

Councillor Talley asked why administrative funds are in excess of \$2 million. Councillor Hinkle stated that the federal regulations allow for 20% of this grant allocation to be used for administrative costs. He stated that DMD usually keeps their administrative costs between 15 and 18%, which is below the amount allowed. Councillor Talley asked how the administrative cost dollar amount is determined. Kim Didier, Chief Financial Officer of DMD, stated that personnel costs and planning costs are formulated during the budgeting process. She stated that DMD now tracks the percentage of each staff person's day that is spent on administering these grant dollars, so that performance reports are very accurate as to how these dollars are used. Councillor Talley stated that he would like to see this \$2 million used for more projects to benefit the community instead of on administrative costs. Ms. Didier stated that federal regulations are very specific as to how these grant dollars are to be spent. She added that there are annual audits by the office of Housing and Urban Development (HUD) on the management of these dollars.

Councillor Schneider stated that some Community Development Corporations (CDCs) receiving grant dollars did not meet contract obligations in 1998, and yet they are still receiving funding in 1999, even though it is decreasing. He stated that those CDCs that do not fulfill their contract obligations should not just face a decrease in grant dollars, but should have grant dollars withheld from them altogether. He said that audits should be performed by outside firms on the management of these dollars, not by HUD. Councillor Hinkle stated that he will have the Metropolitan Development Committee address these issues and added that the federal government ultimately regulates how these grant dollars are spent.

Councillor Massie stated that he resents the federal government controlling how local community dollars are spent. He stated that the grants come from federal tax dollars that should be left in the community for the citizens to decide how best to use them.

Councillor Franklin stated that although some valid points have been made, these grant distributions support the Consolidated Plan that was previously approved by this Council.

Councillor Hinkle moved, seconded by Councillor Williams, for adoption. The vote on Proposal No. 675, 1998 was indecisive based on the following roll call vote; viz:

14 YEAS: Black, Borst, Boyd, Brents, Coughenour, Franklin, Golc, Gray, Hinkle, Jones, Moores, Short, Talley, Williams

11 NAYS: Bradford, Cockrum, Coonrod, Gilmer, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Tilford

1 NOT VOTING: Dowden

3 ABSENT: Curry, Moriarty Adams, Smith

Councillor Gilmer asked for consent to explain his vote. Consent was given. He stated that he feels a lot of free dollars are being wasted on groups that are not getting projects done.

Councillor Williams asked General Counsel Robert Elrod to clarify why the vote was ruled indecisive. Mr. Elrod stated that in order for any proposal to pass or fail, a majority of 15 votes is needed. Councillor Williams stated that she thought there were 15 positive votes. Mr. Elrod stated that the official vote sheet indicates only 14 positive votes. Councillor Schneider stated that his vote was accidentally shown as a positive and he changed it to a negative as the vote was being recorded.

The President called for a clarification vote. The vote on Proposal No. 675, 1998 was again ruled indecisive based on the following roll call vote; viz:

14 YEAS: Black, Borst, Boyd, Brents, Coughenour, Franklin, Golc, Gray, Hinkle, Jones, Moores, Short, Talley, Williams

11 NAYS: Bradford, Cockrum, Coonrod, Gilmer, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Tilford

1 NOT VOTING: Dowden

3 ABSENT: Curry, Moriarty Adams, Smith

Councillor Williams asked what will happen to the proposal because of an indecisive vote. Mr. Elrod stated that the proposal will remain on the agenda to be acted on at a future date.

PROPOSAL NO. 674, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 674, 1998 on November 30, 1998. The proposal provides for the location and regulation of assisted-living facilities (98-AO-7) (Certified October 27, 1998). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 674, 1998 was adopted on the following roll call vote; viz:

22 YEAS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

4 NOT VOTING: Black, Boyd, Brents, Dowden

3 ABSENT: Curry, Moriarty Adams, Smith

Proposal No. 674, 1998 was retitled GENERAL ORDINANCE NO. 171, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 171, 1998

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 98-AO-7

A GENERAL ORDINANCE to amend certain sections of the Code of Indianapolis and Marion County, Indiana and the Revised Code of the Consolidated City and County, and fixing a time when the same shall take effect.

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

WHEREAS, (note: Need to add justification for inclusion of assisted-living facilities as a permitted use in the Dwelling Districts), now, therefore:

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

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731 (adopted under Metropolitan Development Commission docket numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8, 96-AO-4, 97-AO-2, 97-AO-3, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A, 7, b,(4) be amended by adding the underscored language and deleting the stricken language as follows:

(c) The minimum and aggregate side yard setbacks shall not be required in a cluster subdivision, so long as a minimum distance of ten (10) feet between buildings shall be maintained. In cases where the zero lot line option of this ordinance is utilized, the provisions of Section 2.00, A, 6, b and d shall apply, shall have a minimum depth in accordance with Section 2.00, A., 6., side Yard Setback—Zero Lot Line Option, with the exception that provision 2.00, A., 6, c. shall not apply when utilizing the Cluster Subdivision Exception.

B. That Section 2.09, A be amended by adding the underscored language as follows:

A. Permitted D-6 uses. The following uses shall be permitted in the D-6 District. Only one primary use shall be permitted per lot. All uses in the D-6 District shall conform to the D-6 Development Standards (section 2.09, B) and the Dwelling District Regulations of section 2.00.

1. Primary uses:

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 2.25, and as regulated in section 2.00, A. 8.

- c. Religious use, as regulated in section 2.24.
- d. Assisted-living facility, as defined in section 2.25.

- 2. *Temporary uses*, as regulated in section 2.18.
- 3. *Accessory uses*, as regulated in section 2.19.
- 4. *Home occupations*, as regulated in section 2.20.

C. That Section 2.09, B, 5 be amended by adding the underscored language as follows:

- 5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.200
- b. Minimum Open Space: open space ratio (OSR) 3.850
- c. Minimum Livability Space: livability space ratio (LSR) 2.600
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.180
- e. Minimum Parking Spaces: total car ratio (TCR) 1.600
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

D. That Section 2.10, A be amended by adding the underscored language as follows:

A. *Permitted D-6II uses.* The following uses shall be permitted in the D-6II District. Only one primary use shall be permitted per lot. All uses in the D-6II District shall conform to the D-6II Development Standards (section 2.10, B) and the Dwelling District Regulations of section 2.00.

- 1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.
 - d. Assisted-living facility, as defined in section 2.25.
- 2. *Temporary uses*, as regulated in section 2.18.
- 3. *Accessory uses*, as regulated in section 2.19.
- 4. *Home occupations*, as regulated in section 2.20.

E. That Section 2.10, B, 5 be amended by adding the underscored language as follows:

- 5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.280
- b. Minimum Open Space: open space ratio (OSR) 2.650
- c. Minimum Livability Space: livability space ratio (LSR) 1.650
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.160
- e. Minimum Parking Spaces: total car ratio (TCR) 1.500
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

F. That Section 2.11, A be amended by adding the underscored language as follows:

A. *Permitted D-7 uses.* The following uses shall be permitted in the D-7 District. Only one primary use shall be permitted per lot. All uses in the D-7 District shall conform to the D-7 Development Standards (section 2.11, B) and the Dwelling District Regulations of section 2.00.

- 1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.
 - d. Assisted-living facility, as defined in section 2.25.
- 2. Temporary uses, as regulated in section 2.18.
- 3. Accessory uses, as regulated in section 2.19.
- 4. Home occupations, as regulated in section 2.20.

G. That Section 2.11, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.350
- b. Minimum Open Space: open space ratio (OSR) 2.100
- c. Minimum Livability Space: livability space ratio (LSR) 1.250
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.140
- e. Minimum Parking Spaces: total car ratio (TCR) 1.400
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

H. That Section 2.12, A be amended by adding the underscored language as follows:

A. *Permitted D-8 uses.* The following uses shall be permitted in the D-8 District. Only one primary use shall be permitted per lot. All uses in the D-8 District shall conform to the D-8 Development Standards (section 2.12, B and C) and the Dwelling District Regulations of section 2.00.

1. *Primary uses:*

- a. Urban dwelling or dwellings, including one of the following: single-family, two-family, and attached multifamily dwellings, including a Manufactured Home as regulated in section 2.22.
- b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
- c. Religious use, as regulated in section 2.24.
- d. Assisted-living facility, as defined in section 2.25.

- 2. *Temporary uses*, as regulated in section 2.18.
- 3. *Accessory uses*, as regulated in section 2.19.
- 4. *Home occupations*, as regulated in section 2.20.

I. That Section 2.12, C, 5 be amended by adding the underscored language as follows:

5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.600
- b. Minimum Open Space: open space ratio (OSR) 1.180
- c. Minimum Livability Space: livability space ratio (LSR) 0.660
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.110
- e. Minimum Parking Spaces: total car ratio (TCR) 1.000
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units: plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

J. That Section 2.13, A be amended by adding the underscored language as follows:

A. *Permitted D-9 uses.* The following uses shall be permitted in the D-9 District. Only one primary use shall be permitted per lot. All uses in the D-9 District shall conform to the D-9 Development Standards (section 2.13, B) and the Dwelling District Regulations of section 2.00.

1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.
 - d. Assisted-living facility, as defined in section 2.25.
2. *Temporary uses*, as regulated in section 2.18.
3. *Accessory uses*, as regulated in section 2.19.
4. *Home occupations*, as regulated in section 2.20.

K. That Section 2.13, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):
 - e. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500
In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.
 - f. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

L. That Section 2.14, A be amended by adding the underscored language as follows:

A. *Permitted D-10 uses.* The following uses shall be permitted in the D-10 District. Only one primary use shall be permitted per lot. All uses in the D-10 District shall conform to the D-10 Development Standards (Section 2.14, B) and the Dwelling District Regulations of Section 2.00.

1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.
 - d. Assisted-living facility, as defined in section 2.25.
2. *Temporary uses*, as regulated in section 2.18.
3. *Accessory uses*, as regulated in section 2.19.
4. *Home occupations*, as regulated in section 2.20.

M. That Section 2.14, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):
 - f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500
In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

N. That Section 2.17, A be amended by deleting the stricken language and adding the underscored language as follows:

A. *Permitted D-P uses.* The following uses shall be permitted in the D-P District. Only one primary use shall be permitted per lot. All uses in the D-P District shall conform to the Dwelling District Regulations of Section 2.00.

1. *Primary use: Planned unit residential development*, pursuant to the D-P Terms and Conditions (Section 2.17, B).
2. *Group home*, as defined in Section 2.25.
3. *Assisted-living facility*, as defined in Section 2.25.
- ~~4.~~ *Temporary uses*, as regulated in Section 2.18.
- ~~5.~~ *Accessory uses*, as regulated in Section 2.19.
- ~~6.~~ *Home occupations*, as regulated in Section 2.20.
- ~~7.~~ *Nonresidential uses*, designed to provide an integrated amenity to the Planned Unit Residential Development and to serve primarily as a convenience to the immediate neighborhood where office functions, compatible office-type businesses, certain public and semipublic uses and a limited range of retail sales and personal, professional and business services provided are tempered by the merits of the residential elements of the development, and which are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Residential Development, as regulated in Section 2.17, B.
- ~~8.~~ *Religious uses*, as regulated in Section 2.24.

O. That Section 2.25, B, be amended by adding the underscored language as follows; and to renumber subsequent definitions.

10. *Assisted living facility.* A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

SECTION 2. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, 94-AO-7, 96-AO-1, 96-AO-4, 97-AO-5, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.01, A be amended by adding the new underscored language below and to renumber subsequent provisions:

A. Permitted C-1 uses. Permitted uses in the C-1 District shall conform to the General Commercial District Regulations and Performance of Section 2.00, and the C-1 District Development Standards of Section 2.01, B. The following uses shall be permitted in the C-1 District:

1. Assisted-living facility.

B. That Section 2.02, A be amended by adding the new underscored language below and to renumber subsequent provisions:

A. Permitted C-2 uses. Permitted uses in the C-2 District shall conform to the General Commercial District Regulations and Performance of Section 2.00, and the C-2 District Development Standards of Section 2.02, B. The following uses shall be permitted in the C-2 District:

1. Any use permitted in the C-1 district.

2. Assisted-living facility.

C. That Section 2.03, A be amended by adding the new underscored language and deleting the stricken language as follows:

A. Permitted C-3 uses. Permitted uses in the C-3 District shall conform to the General Commercial District Regulations and Performance of Section 2.00, and the C-3 District Development Standards of Section 2.03, B. The following uses shall be permitted in the C-3 District:

1. Any use permitted in the C-1 district (except Convalescent or Nursing Home, Assisted-living Facility, Day Care Center).

D. That Section 2.09, A be amended by adding the new underscored language and deleting the stricken language as follows:

e. Assisted-living facilities:

ef. Any other appropriate planned land use, complex or combination of land uses as designated and specified in the petition or ordinance zoning land to the C-S District.

E. That Section 2.10, Table 2.10-A be amended by adding the new underscored language below and renumbering subsequent provisions:

2. Assisted-living facility. Total car ratio (TCR) - assisted-living facilities: 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

F. That Section 2.11, H be amended by adding the new underscored language below and renumbering subsequent provisions:

4. For Assisted-living Facilities: Provide an off-street loading area for the delivery of goods and supplies for projects involving more than fifteen (15) units.

45. For any Commercial District use not specified above, the off-street loading requirements for a specified use to which said use is most similar shall apply:

G. That Section 2.16, B, be amended by adding the underscored language as follows; and to renumber subsequent definitions.

20. Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and

instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

SECTION 3. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part xx (adopted under Metropolitan Development Commission docket numbers 94-AO-3, 95-AO-3, 95-AO-12, 96-AO-1, 96-AO-4, 97-AO-13, 98-AO-4, and 98-AO-5), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.02, A, 1 be amended by adding the new underscored language and deleting the stricken language as follows:

A. Permitted hospital district uses.

1. Permitted hospital district one (HD-1) uses. All uses permitted within the HD-1 District shall be subject to the Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

a. Assisted-living facility (as defined in Section 2.05, B)

b. Hospital complex or hospital campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:

a. (1) Administrative and professional staff offices.

b. (2) Apartments and dormitories for hospital staff, personnel and students.

c. (3) Cafeterias, gift shops, book stores and other similar convenience functions.

d. (4) Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.

e. (5) Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.

f. (6) Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.

h. (7) Other similar uses and facilities.

gc. Wireless communication facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended. (G.O. 112, 1998)

B. That Section 2.02, A, 2 be amended by adding the new underscored language and deleting the stricken language as follows:

2. Permitted hospital district two (HD-2) uses. All uses permitted within the HD-2 District shall be subject to the Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.

b. Assisted-living facility. (as defined in Section 2.05, B).

bc. Commercial parking lots and garages.

- ed. Medical laboratories; surgical and medical supply firms; hospital and sickroom equipment sales & rental.
- de. Nursing, convalescent and retirement homes.
- ef. Offices for physicians, dentists, and other professions dealing with public health (excluding Substance Abuse Treatment Facilities, which are permitted in the C-4, C-5, and C-7 Districts of the Commercial Zoning Ordinance of Marion County, Indiana, 69-AO-1, as amended). (G.O. 101, 1998)
- fg. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
- gh. Wireless communication facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended. (G.O. 112, 1998)
- hi. Other similar hospital-related or oriented uses.

C. That Section 2.05, B be amended by adding the underscored language as follows; and to renumber subsequent definitions.

2. Assisted- living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

SECTION 4. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

SECTION 5. Attestation. This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

PROPOSAL NO. 676, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 676, 1998 on November 30, 1998. The proposal increases the amount of the surety bond purchased for the County Recorder from \$8,500 to \$60,000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No. 676, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 676, 1998 was retitled GENERAL ORDINANCE NO. 172, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 172, 1998

A GENERAL ORDINANCE amending Chapter 292 of the Revised Code of the Consolidated City and County, concerning the surety bonds of city and county officials.

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

SECTION 1. Chapter 292 of the Revised Code of the Consolidated City and County is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

Sec. 292-3. Surety bonds for city and county officials.

(a) It is hereby declared to be the purpose of this section to fix the amounts of individual surety bonds and authorize a blanket bond for city and county officials.

(b) Pursuant to IC 5-4-1-18(c), the city-county council of Indianapolis and Marion County fixes the amount of surety bonds for city and county officials as follows:

<i>Official</i>	<i>Bond Amount</i>
County coroner	\$ 8,500
Supervisor Barrett law	60,000
City controller	300,000
County treasurer	300,000
County treasurer (ex officio city treasurer)	300,000
County surveyor	8,500
County assessor	8,500
County auditor	300,000
County clerk	300,000
County recorder	8,500 60,000
County sheriff	90,000
County prosecutor	8,500
Decatur Township assessor	8,500
Wayne Township assessor	8,500
Warren Township assessor	8,500
Washington Township assessor	8,500
Perry Township assessor	8,500
Pike Township assessor	8,500
Franklin Township assessor	8,500
Lawrence Township assessor	8,500
Center Township assessor	8,500

(c) Pursuant to IC 5-4-1-18(b), the city-county council authorizes the purchase of blanket bonds to cover the faithful performance of city and county officials not covered by individual bonds. The amount of these blanket bonds shall be left to the discretion of the director of the department of administration.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

PROPOSAL NO. 719, 1998. The proposal, sponsored by Councillor Dowden, authorizes appraisals to purchase real estate at 531 Virginia Avenue from Matt Corporation of Indiana by Marion County for use by the Marion County Superior Court. Councillor Schneider moved, seconded by Councillor Shambaugh, to table Proposal No. 719, 1998 at the request of Councillor Dowden. Proposal No. 719, 1998 was tabled by a unanimous voice vote.

PROPOSAL NO. 720, 1998. Councillor Schneider reported that the Public Safety and Criminal Justice Committee heard Proposal No. 720, 1998 on December 2, 1998. The proposal approves a transfer of \$30,000 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to pay for supplies for the balance of 1998. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Borst, for adoption. Proposal No. 720, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 720, 1998 was retitled FISCAL ORDINANCE NO. 166, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 166, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional Thirty Thousand Dollars (\$30,000) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division to pay for supplies for the balance of 1998.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) 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>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	<u>30,000</u>
TOTAL INCREASE	30,000

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

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>30,000</u>
TOTAL DECREASE	30,000

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

PROPOSAL NO. 723, 1998. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 723, 1998 on December 14, 1998. The proposal approves and authorizes execution of an agreement between the City of Indianapolis and the City of Lawrence for the treatment and disposal of sewage and wastewater. Councillor Coughenour thanked Councillor Coonrod for his efforts in mediating these negotiations. Councillor Coonrod thanked special project consultant George Pendency for his efforts in developing the agreement. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Coonrod, for adoption. Proposal No. 723, 1998 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Black, Boyd, Dowden

3 ABSENT: Curry, Moriarty Adams, Smith

Proposal No. 723, 1998 was retitled GENERAL RESOLUTION NO. 21, 1998, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 21, 1998

A GENERAL RESOLUTION approving and authorizing execution of an agreement between the City of Indianapolis and the City of Lawrence for the treatment and disposal of sewage and wastewater.

WHEREAS, the Board of Asset Management and Public Works by Resolution No. 83, 1998 approved an agreement with the City of Lawrence providing for the City of Indianapolis to transport, treat and dispose of sewage and wastewater collected within the service area of the City of Lawrence and authorized the Director of the Department of Public Works to sign said agreement on behalf of the City of Indianapolis; and

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

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

SECTION 1. The Sewage and Wastewater Treatment and Disposal Services Agreement between the City of Indianapolis and the City of Lawrence, as approved by the Board of Asset Management and Public Works by Resolution No. 83, 1998 on _____, 1998, is hereby approved and ratified, and the Clerk is directed to attach a copy of such Board Resolution and Agreement to the official copy of this Resolution, and insert a copy in the permanent minutes of the Council.

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

PROPOSAL NO. 727, 1998. In Councillor Smith's absence, Councillor Bradford reported that the Regulatory Research and Review Committee heard Proposal No. 727, 1998 on December 8, 1998. The proposal, sponsored by Councillor Smith, amends the Rules of the Council concerning regulatory review procedures. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst stated that he believed the intent was for the Regulatory Research and Review Committee to sunset within two years, and he does not understand the need to remove the sunset or continue the Committee. Councillor Bradford stated that the Committee has accomplished its primary purpose to consolidate the old and revised ordinances, but feels there are ordinances that need to be looked at more closely which maybe are no longer applicable or are out of date.

The President asked if the Committee would object to another sunset. Councillor McClamroch stated that he feels strongly that the Committee should continue. Councillor Schneider added that the Committee is continuing to review archaic rules, and he does not want to see a sunset added.

Councillor Bradford moved, seconded by Councillor McClamroch, for adoption. The vote on Proposal No. 727, 1998 was ruled indecisive on the following roll call vote; viz:

12 YEAS: Bradford, Cockrum, Coonrod, Massie, McClamroch, Moores, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford

13 NAYS: Black, Borst, Boyd, Brents, Coughenour, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, O'Dell, Williams

1 NOT VOTING: Dowden

3 ABSENT: Curry, Moriarty Adams, Smith

PROPOSAL NO. 728, 1998. Councillor Schneider reported that the Public Safety and Criminal Justice Committee heard Proposal No. 728, 1998 on December 2, 1998. The proposal, sponsored by Councillor Dowden, approves a transfer of \$93,750 in the 1998 Budget of the Clerk of the Circuit Court (County General Fund) to pay contractual expenses for the balance of 1998. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Borst, for adoption. Proposal No. 728, 1998 was adopted on the following roll call vote; viz:

18 YEAS: Borst, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Gilmer, Golc, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Short, Tilford, Williams

0 NAYS:

8 NOT VOTING: Black, Brents, Dowden, Franklin, Gray, Hinkle, Shambaugh, Talley

3 ABSENT: Curry, Moriarty Adams, Smith

Proposal No. 728, 1998 was retitled FISCAL ORDINANCE NO. 167, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 167, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional Ninety-three Thousand Seven Hundred Fifty Dollars (\$93,750) in the County General Fund for purposes of the Clerk of the Circuit Court and County Auditor 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(b,c) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court and County Auditor to pay expenses for the balance of 1998.

SECTION 2. The sum of Ninety-three Thousand Seven Hundred Fifty Dollars (\$93,750) 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>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>93,750</u>
TOTAL INCREASE	93,750

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

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - Fringes	18,750

<u>CLERK OF THE CIRCUIT COURT</u>	
1. Personal Services	<u>75,000</u>
TOTAL DECREASE	93,750

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

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 Moores in memory of James A. Freeman ; and
- (2) Councillor Moriarty Adams in memory of Evelyn Babcock ; and
- (3) Councillor Talley in memory of Lillian E. Cox Smith and Horace Tramble, Sr. ; and
- (4) Councillor Smith in memory of Thomas A. Minor, Sr.

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 James A. Freeman, Evelyn Babcock, Lillian E. Cox Smith, Horace Tramble, Sr., and Thomas A. Minor, Sr. 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 9:15 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of December, 1998.

December 14, 1998

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)