

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

REGULAR MEETINGS
MONDAY, JUNE 21, 1999**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, June 21, 1999, with Councillor SerVaas presiding.

Councillor Short 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford introduced Bruce Galbraith, Headmaster of Park Tudor School. Councillor Brents recognized George VanSickles, President of International Training in Communication (ITC). Councillor Golc recognized Senator Glenn Howard. Councillor Dowden introduced Adam Gilmore, Boy Scout Troop 441, who is working on his Citizenship/Community Badge, and his mother Janice.

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, June 21, 1999, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

June 8, 1999

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, June 9, 1999, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, June 10, 1999, a copy of a Notice of Public Hearing on Proposal Nos. 297, 358-361, and 363-370, 1999, said hearing to be held on Monday, June 21, 1999, at 7:00 p.m. in the City-County Building.

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

June 11, 1999

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. 55, 1999 - approves an increase of \$701,500 in the 1999 Budget of the Department of Parks and Recreation (Park General Fund) to replace outdated vehicles and to fund additional park maintenance contracts, day camp and recreational programs, environmental education planning, professional park training, and a Pleasant Run Greenway mural project, financed by fund balances

FISCAL ORDINANCE NO. 57, 1999 - approves an increase of \$57,300 In the 1999 Budgets of the Prosecuting Attorney and County Auditor (State and Federal Grants Fund) to pay for 85% of the salary for one deputy prosecutor and partial salary for a victim/witness advocate in the Regional Gang Interdiction Program, funded by a grant from the Indiana Criminal Justice Institute through the Johnson County Prosecutor

FISCAL ORDINANCE NO. 58, 1999 - approves an increase of \$12,000 in the 1999 Budget of the Prosecuting Attorney (County Grants Fund) for operating costs related to "A Child's Haven," a waiting room for children located in the City-County Building, funded by a grant from the Indianapolis Bar Foundation

FISCAL ORDINANCE NO. 59, 1999 - approves an increase of \$16,500 in the 1999 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant for Reach for Youth for the Adolescent Sexual Adjustment Program funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 60, 1999 - approves an increase of \$54,740 in the 1999 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant for Reach for Youth for Marion County Teen Court, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 61, 1999 - approves an increase of \$65,000 in the 1999 Budgets of Marion County Superior Court, Juvenile Division, and County Auditor (State and Federal Grants Fund) to pay for improving the

June 21, 1999

flow of CHINS (Children in Need of Services) cases in Marion County and to put these cases within the court system on fast track, funded by a grant from the Indiana Judicial Center

FISCAL ORDINANCE NO. 62, 1999 - approves an increase of \$815,000 in the 1999 Budget of the Marion County Justice Agency (Law Enforcement Equitable Share Fund) for law enforcement activities funded by federal forfeitures

GENERAL ORDINANCE NO. 68, 1999 - authorizes a traffic signal at Southeastern Avenue and Miller Drive (District 23)

GENERAL ORDINANCE NO. 69, 1999 - authorizes a multi-way stop at Delmar Avenue and Gerrard Drive (District 17)

GENERAL ORDINANCE NO. 70, 1999 - authorizes the change in preferential for Delray Drive and Wild Horse Lane (District 18)

GENERAL ORDINANCE NO. 71, 1999 - authorizes parking restrictions on Bolton Avenue, on the west side, from Washington Street to a point 110 feet north of Washington Street (District 13)

GENERAL ORDINANCE NO. 72, 1999 - authorizes parking restrictions on River Avenue near Standard Avenue (District 25)

GENERAL ORDINANCE NO. 73, 1999 - authorizes parking restrictions on 13th Street between Illinois Street and Meridian Street and on 13th Street between Senate Avenue and Illinois Street (District 22)

SPECIAL RESOLUTION NO. 38, 1999 - recognizes the dynamic accomplishments at IPS School 69 and Principal Myrna Williams

SPECIAL RESOLUTION NO. 39, 1999 - welcomes Brigadier General Norris Webster Overton, USAF (Ret.) and Major General Harry W. Brooks, Jr., U.S. Army (Ret.) to Indianapolis

SPECIAL RESOLUTION NO. 40, 1999 - recognizes the June 17-20, 1999, First Annual Indy Jazz Fest

SPECIAL RESOLUTION NO. 41, 1999 - designates June 7, 1999, as Tiger Woods Day in Indianapolis

Respectfully,
s/Stephen Goldsmith, Mayor

Councillor Cockrum gave a brief update on the Scarborough Peace Games. The games will be held July 23-26, 1999 in Scarborough, Canada, Indianapolis' sister city. Six hundred thirty-three participants have signed up so far, and the organizing committee is hoping for over 700, as compared to only 252 participants last year. A pep rally will be held at Garfield Park at the McAllister Center on July 19, 1999. Another \$30,000 is still needed in sponsorships to help fund the games.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Dowden asked for consent to move Proposal Nos. 308, 309, and 310, 1999 as the first order of business under Petitions, Memorials, and Special Resolutions. Consent was given.

Without further objection, the agenda was adopted as modified.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of June 7, 1999. There being no additions or corrections, the minutes were approved as distributed.

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 308, 309, and 310, 1999 on June 16, 1999. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 308, 1999. The proposal, sponsored by Councillor Moores, concerns the treatment of police and fire pension contributions. PROPOSAL NO. 309, 1999. The proposal, sponsored by Councillor Moores, concerns the tax treatment of sheriff deputy's contribution to pension plan. PROPOSAL NO. 310, 1999. The proposal, sponsored by Councillor Moores, amends the Sheriff's Pension Plan. By 5-0 votes, the Committee reported the proposals to the full Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 308, 309, and 310, 1999 were adopted by the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Boyd, Franklin, Smith

2 ABSENT: Coonrod, Gilmer

Proposal No. 308, 1999 was retitled GENERAL RESOLUTION NO. 6, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 1999

A PROPOSAL FOR A GENERAL RESOLUTION to provide for the City of Indianapolis to "pick up" through payroll reduction the contribution required to be made by the employee to the 1977 Police and Firefighters Pension Fund, the 1937 Firefighters' Pension Fund and the 1953 Police Pension Fund.

WHEREAS, the City participates in the 1937 Firefighters' Pension Fund ("1937 Fund"), the 1953 Police Pension Fund ("1953 Fund") and the 1977 Police Officers' and Firefighters' Pension and Disability Fund ("1977 Fund") for the City's police officers and firefighters who are eligible to participate in the 1937 Fund, the 1953 Fund or the 1977 Fund;

WHEREAS, the City previously picked-up the first one percent (1%) of the mandatory contributions required for participating employees who are members of the 1937 Fund, the 1953 Fund or the 1977 Fund;

WHEREAS, it is the City's desire to pick-up through payroll reduction the remainder of the mandatory contributions required for participating employees who are members of the 1937 Fund, the 1953 Fund or the 1977 Fund, and;

WHEREAS, IC 36-8-7-8(5), IC 36-8-7.5-8(3) and IC 36-8-8-8(a) authorize employers to pay all or part of the mandatory employee contributions for employees participating in the 1937 Fund, the 1953 Fund or the 1977 Fund, respectively; now, therefore:

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

SECTION 1. (a) That effective as of June 25, 1999, the City shall continue to pick-up the 1% mandatory contribution by the employees who are members of the 1937 Fund, the 1953 Fund or the 1977 Fund; and the City shall pick-up through a payroll reduction the remaining 5% mandatory contribution by the employees who are members of the 1937 Fund, the 1953 Fund or the 1977 Fund. None of the 5% of the contributions prior to the effective date of this Resolution shall be picked-up;

June 21, 1999

(b) That said contributions, even though designated as employee contributions for state law purposes, are being paid to the respective Fund by the City through payroll reduction in lieu of said contributions by the employee;

(c) That said contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income taxes or withholding taxes, until distributed from the 1937 Fund, the 1953 Fund or the 1977 Fund;

(d) That said contributions will be included in the gross income of the employees, for employment tax purposes to the extent applicable, as the contributions are made to the 1937 Fund, the 1953 Fund or the 1977 Fund; and

(e) That said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City to the 1937 Fund, the 1953 fund or the 1977 Fund.

SECTION 2. Should any provision of this resolution 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 resolution. To this end the provisions of this resolution are severable.

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

Proposal No. 309, 1999 was retitled GENERAL RESOLUTION NO. 7, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 1999

A PROPOSAL FOR A GENERAL RESOLUTION to provide for Marion County ("County") to "pick up" through payroll reduction the contribution required to be made by the employee to the Marion County Sheriff's Department Personnel Retirement Plan.

WHEREAS, the County and the Marion County Sheriff's Department participate in the Marion County Sheriff's Department Personnel Retirement Plan ("the Plan") for deputy sheriffs who are eligible to participate in the Plan;

WHEREAS, it is the County's desire to pick-up through payroll reduction all the mandatory contributions required for participating employees who are members of the Plan;

WHEREAS, the Plan authorizes employers to pay all or part of the mandatory employee contributions for employees participating in the Plan; now, therefore:

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

SECTION 1. (a) That effective as of June 25, the County shall pick-up the mandatory contributions by employees who are members of the Plan through a payroll reduction. No contribution prior to the City-Council's action shall be picked-up.

(b) That said contributions, even though designated as employee contributions for state law purposes, are being paid by the County through payroll reduction in lieu of said contributions by the employee;

(c) That said contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income taxes or withholding taxes, until distributed from the Plan;

(d) That said contributions will be included in the gross income of the employees, for employment tax purposes to the extent applicable, as the contributions are made to the Plan; and

(e) That said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the County to the Plan.

SECTION 2. Should any provision of this resolution 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

SECTION 2. Should any provision of this resolution 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 resolution. To this end the provisions of this resolution are severable.

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

Proposal No. 310, 1999 was retitled SPECIAL RESOLUTION NO. 46, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 1999

A PROPOSAL FOR A SPECIAL RESOLUTION to amend the Marion County Sheriff's Department Personnel Retirement Plan

WHEREAS, Marion County Sheriff's Department Personnel Retirement Plan (hereinafter referred to as "Plan") was established by Marion County Sheriff's Department, Indianapolis, Indiana (hereinafter referred to as "Employer"), effective as of January 1, 1963; and as amended by a complete restatement, effective as of January 1, 1989; and as last amended by a Second Amendment, effective as of January 1, 1998; and

WHEREAS, by Section 11.01 of the Plan, the Employer reserved the right to amend the Plan; and

WHEREAS, the Employer desires to amend the Plan in certain respects heretofore considered and discussed; and

WHEREAS, this Third Amendment to the Plan was duly adopted by the Marion County Sheriff's Pension Board on April 8, 1999.

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

SECTION 1. The Marion County Sheriff's Department Personnel Retirement Plan, Section 2.01(j) is hereby amended by deleting the words stricken and adding the words underlined as follows:

(j) Final Average Monthly Salary means the average of the rate of monthly income (base pay plus longevity) as of January 1 in the five (5) calendar years producing the highest average for a given Participant; provided that a given calendar year January 1 rate of monthly income may be used only if the required Employee contributions during the entire calendar year were made by the Participant or were picked-up under Section 414(h) of the Internal Revenue Code of 1986, as amended. Final Average Monthly Salary includes any required Employee contributions which are picked-up under Section 414(h) of the Internal Revenue Code of 1986, as amended. The calendar year in which the Participant terminates employment for any reason shall be included in computing the Participant's Final Average Monthly Salary, provided that the required Employee contributions during such calendar year prior to his date of termination were made by the Participant or were picked-up under Section 414(h) of the Internal Revenue Code of 1986, as amended. Final Average Monthly Salary shall be subject to any further modifications or limitations described in the following provisions of this subsection.

Section 125 Deferrals

Effective January 1, 1989, all Salary used to calculate a Participant's Final Average Monthly Salary shall include all elective contributions made under a cafeteria plan as defined in Internal Revenue Code Section 125 and all compensation deferred under an eligible deferred compensation plan as defined in Section 457.

Statutory Limits

There are two statutory limits on compensation which apply to this Plan. One limit is on Final Average Monthly Salary and is prescribed by state law in IC 36-8-10-12. The second limit is on annual salary and is prescribed by federal law in Section 401(a)(17) of the Internal Revenue Code. Both limits (as described in more detail below) shall apply in determining Final Average Monthly Salary.

State Limit on Final Average Monthly Salary

For a Participant who terminates employment or retires after June 30, 1996, Final Average Monthly salary may not exceed the minimum monthly salary that a full-time prosecuting attorney was entitled to be paid by the state of Indiana at the time the Participant terminates or retires.

Federal Limit on Salary

In addition, for Plan Years beginning on or after January 1, 1996, pursuant to the requirements of Internal Revenue Code Section 401(a)(17) for a governmental plan, annual salary taken into account under the Plan for any Plan Year for an individual who became a Participant on or before December 31, 1995, shall be limited to the greater of 1) two hundred thousand dollars (\$200,000), because the salary limit under the Plan as in effect on July 1, 1993, was two hundred thousand dollars (\$200,000) or 2) one hundred fifty thousand dollars (\$150,000) as increased by the cost of living adjustment for the year pursuant to Internal Revenue Code Section 401(a)(17). For Plan Years beginning on or after January 1, 1996, if and to the extent, required by Internal Revenue Code Section 401(a)(17) for a governmental plan, annual salary taken into account under the Plan for any Plan Year for a Participant who was not a Participant on or before December 31, 1995, shall not exceed one hundred fifty thousand dollars (\$150,000) (as increased by the cost of living adjustment for the year pursuant to Internal Revenue Code Section 401(a)(17)). The rules of Internal Revenue Code Section 414(q)(6) shall apply in determining the limitations on annual salary described in this paragraph, except that a member of the family group shall include only the spouse of the Participant and any lineal descendant of the Participant who has not attained age nineteen (19) before the close of the year.

SECTION 2. Section 2.01(k) of the Marion County Sheriff's Department Personnel Retirement Plan is hereby amended by adding the words underlined as follows:

(k) Net Amount of Contributions means the amount of money actually paid into the Trust Fund pursuant to Section 10.02, plus interest at the rate of three percent (3%) compounded annually up to termination date, less any sums, plus interest at the same rate, paid from the Trust Fund to such Participant or to any governmental fund for the credit or benefit of such Participant. Crediting of interest shall commence as of the end of the Plan Year in which contributions are made.

SECTION 3. Section 10.02 of the Marion County Sheriff's Department Personnel Retirement Plan is hereby amended by adding the words underlined and deleting the words stricken as follows:

Each Participant shall be required to contribute an amount equal to six and one quarter percent (6.25%) of his base pay, plus longevity. Money so contributed shall be deducted from each pay check of the Participant and transferred by the Employer to the Trustee to become part of the Trust Fund as described herein. In the event of a Participant's separation from service with the Employer, for whatever reason, such Participant may elect to be paid a lump sum equal to his Net Amount of Contributions. In the event a Participant elects such lump sum payment, there shall be no further liability under the terms of this Plan for such Participant's service occurring prior to such date of separation from service.

~~Notwithstanding anything to the contrary contained herein, the contributions required of a Participant may cease, at the election of the Participant, following the completion of twenty (20) years or more of Credited Service and prior to termination of employment. In the event a Participant elects to discontinue contributions following the completion of twenty (20) years or more of Credited Service, such individual shall continue to be a Participant for all purposes of the Plan but shall not have the rates of monthly income for years commencing with and following the discontinuance included in the determination of Final Average Monthly Salary as defined in Section 2.01 hereinabove nor shall such an individual receive Credited Service for employment beyond the discontinuance of contributions.~~

Employee contributions required under this Section may be picked-up under Section 414(h) of the Internal Revenue Code of 1986, as amended."

SECTION 4. Should any provision of this resolution 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 resolution. To this end the provisions of this resolution are severable.

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

PROPOSAL NO. 421, 1999. The proposal, sponsored by Councillors Moores and Smith, recognizes the Franklin Central High School Percussion Ensemble for winning the world championship for the second consecutive year. Councillor Smith read the proposal and presented representatives with a copy of the document and Council pins. Travis Beck, ensemble member, stated that it was an honor to represent Indianapolis in the competition and thanked the Council for the recognition. Councillor Smith moved, seconded by Councillor Moores for adoption. Proposal No. 421, 1999 was adopted by a unanimous voice vote.

Proposal No. 421, 1999 was retitled SPECIAL RESOLUTION NO. 42, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 1999

A SPECIAL RESOLUTION recognizing the Franklin Central High School Percussion Ensemble for winning the world championship for the second consecutive year.

WHEREAS, Franklin Township's Franklin Central High School Percussion Ensemble practiced three hours a day, sometimes all day, since the beginning of the school year for the "Big One" in April; and

WHEREAS, Music instructor Daniel Fyffe pushed the young musicians hard all winter, they were determined to defend their world title, they worked hard to win two qualifying rounds as an entry ticket to the Winter Guard International Tournament, however at the finals in Dayton, Ohio, they didn't know what to expect from ensembles from Japan and Australia, but they KNEW that the group from Aurora, Colorado, was very, very, competitive; and

WHEREAS, Franklin Central's rendition of Dvorak's "Carnival" overture earned them a record breaking 98.75 score, and the world championship, for the second consecutive year; 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 world champion Franklin Central High School Percussion Ensemble.

SECTION 2. The Council congratulates ensemble members: Travis Beck, Angi Quill, Chris Johnson, Jill Brezko, Katy Holder, Jamie Utterback, Joe Wilson, Jake Hayden, Erin Gilmer, Laura Hobbs, Mercedes Rader, Joe Williams, Tony Lobdell, Bill King, Kris Watts, Alex VanBergeijk, Jason Dillard, Hailey Rader, Jennifer Carter, Meredyth Oldknow, Bryan Gabriel, Alex Wilson, Jason Lindsey, Tyler Bongen, and Nick Kroening.

SECTION 3. Also commended are the supporting people who helped make this honor possible: Ray Hauser, Sheryl Fyffe, Debi Wilson, Becky Linsey, Kelli Rader, Barb Wilson, Debi King, Mike Johnson, John Quill, Larry Lindsey, Paul Bongen, Mark B. Gabriel, Diane Burns, Brian Wilson, Michael Lindsey, Carol Johnson, Gus Apple, Richard Wilson, Casey King, Debbie Quill, Sue Bongen, Marie Baird, Penny Kroening, Karen Hayden, Steve Watts, Debby Watts, Bub Burns, Richard Utterback, Linda Utterback, Carol Oldknow, Judy and Mark Brezko, Bernie and Marueen Gilmer, Scott Kroening, Darrell and Sonna Holder, Leslie Beck, Andre and Valerie VanBergeijk, John and Rita Dillard, Larry and Nancy Lobdell, David and Terri Williams, Marilyn Moore, and Franklin Township Music Instructor Daniel Fyffe.

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. 422, 1999. The proposal, sponsored by Councillor Talley, recognizes the 10th anniversary of the annual Glenn Howard Junior Golf Program. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Senator Howard thanked Councillor Talley and the Council for the recognition. Councillor Talley moved,

seconded by Councillor Gray, for adoption. Proposal No. 422, 1999 was adopted by a unanimous voice vote.

Proposal No. 422, 1999 was retitled SPECIAL RESOLUTION NO. 43, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 1999

A SPECIAL RESOLUTION recognizing the 10th Anniversary of the annual Glenn Howard Junior Golf Program.

WHEREAS, at least 3,000 young people have participated in the Glenn Howard Junior Golf Program during the past 10 summers; and

WHEREAS, the summer golf program on three local courses featuring golf pros and many volunteers is designed for youth between the ages of seven and 16, and offers golf instruction, safety rules, and etiquette, and concludes with an awards banquet; and

WHEREAS, eighty percent of the students are from Indianapolis Public Schools, and there is a strong emphasis upon diversity in race, sex and income levels; and

WHEREAS, more than 20 of the Program's graduates are known to have gone on to play on their high school and college golf teams; 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 Glenn Howard Junior Golf Program upon its 10th Anniversary year.

SECTION 2. The Council salutes the main organizers of the Program: Senator Glenn Howard, Councillor Monroe Gray, volunteer George Van Sickels, and businessman James Morris, along with the corporations and city which help make the Program possible, and most importantly the 3,000 young people along with their supportive families who over the past decade have taken the initiative to learn about the lifetime recreational activity called—golf.

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. 423, 1999. The proposal, sponsored by Councillor McClamroch, recognizes Peter Sterling, President of The Children's Museum of Indianapolis. Councillor McClamroch read the proposal and presented Mr. Sterling with a copy of the document and a Council pin. Mr. Sterling thanked the Council for the recognition and stated that it has been a pleasure to be the President of the World's best Children's Museum. He introduced the new President of the Museum, Dr. Jeffrey Patchen. Councillor McClamroch moved, seconded by Councillor Curry, for adoption. Proposal No. 423, 1999 was adopted by a unanimous voice vote.

Proposal No. 423, 1999 was retitled SPECIAL RESOLUTION NO. 44, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 1999

A SPECIAL RESOLUTION recognizing Peter Sterling, President of The Children's Museum of Indianapolis.

WHEREAS, Peter Sterling has had a distinguished career, taking The Children's Museum of Indianapolis to new heights during his 17-year tenure; and

WHEREAS, under Peter Sterling's watch, the Museum's endowment has grown from \$35 million to nearly \$200 million, a 471 percent increase; and

WHEREAS, Peter Sterling created a vision for The Children's Museum that has resulted in the development and construction of eight new galleries, the Welcome Center, the Eli Lilly Center for Exploration, the SpaceQuest Planetarium, the Johnson-Weaver Pavilion and Spurlock Gallery, the large-format CineDome Theater and the Allen W. Clowes Festival Park; and

WHEREAS, Peter Sterling has taken the initiative to establish The Children's Museum as the leader in the redevelopment and improvement of its surrounding neighborhood; and

WHEREAS, Peter Sterling has dedicated his career to work that makes things better for children; 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 thanks Peter Sterling for the many contributions which he has made to our community during the past 17 years.

SECTION 2. The Council wishes Peter Sterling well as he shares his talents and continues his good work with children in his new 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 36-3-4-14.

PROPOSAL NO. 432, 1999. The proposal, sponsored by Councillor Talley, recognizes the achievements of IPS School 105. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Principal Mark Woods and representative of 100 Black Men, Tony Rogers, thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Boyd, for adoption. Proposal No. 432, 1999 was adopted by a unanimous voice vote.

Proposal No. 432, 1999 was retitled SPECIAL RESOLUTION NO. 45, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 1999

A SPECIAL RESOLUTION recognizing the achievements of IPS School 105.

WHEREAS, Indianapolis Public Schools Elementary School 105 on the Eastside near 38th Street and Post Road has tallied a remarkable record of accomplishments during the past two years; and

WHEREAS, School 105's thirty-two year old Ball State and Butler University graduate, Principal Mark Wood, has seen attendance climb to a very impressive 97% and achievement test scores soar at a double-digit rate in the two years that he has been there; and

WHEREAS, a program by 100 Black Men of Indianapolis headed by Indianapolis Parks Department Chief Financial Officer Tony Rogers has teamed up with School 105 to add a new dimension of role modeling, and the school quickly expanded 100 Black Men's scholastic basketball program to add volleyball and track & field sports; and

WHEREAS, last year School 105's Parent-Teacher Organization's President won the Mayor's Volunteer of the Year Award which is an indication of strong local school support by the parents; and

WHEREAS, Principal Wood says that thanks to the involvement of supportive teachers who go the extra mile, excellent parent-teacher teamwork, after-school clubs and programs, as well as having the best elementary school choir in the city, School 105 makes every one of its decisions only in the best interest of the kids, so that the children WANT to come to school because it is a terrific place to be; now, therefore:

June 21, 1999

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 everyone who is associated with the dynamic, on-the-move IPS School 105.

SECTION 2. There is a new trend of fresh thinking in schools today; of being exciting, relevant, and energized—and the Council applauds the young people and adults at School 105 who are on the cutting edge of this welcome new trend.

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. 371, 1999. Councillor McClamroch, sponsor of the proposal, reported that the Public Works Committee heard Proposal No. 371, 1999 on June 10, 1999. The proposal reappoints David W. Hoppock to the Air Pollution Control Board. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Coughenour, for adoption. Proposal No. 371, 1999 was adopted by a unanimous voice vote.

Proposal No. 371, 1999 was retitled COUNCIL RESOLUTION NO. 57, 1999 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 1999

A COUNCIL RESOLUTION reappointing David W. Hoppock to the Air Pollution Control Board.

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

SECTION 1. As a member of the Air Pollution Control Board, the Council appoints:

David W. Hoppock

SECTION 2. The appointment made by this resolution is for a term ending June 3, 2003. 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. 346, 1999. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 366 Washington Pointe Drive for the Warren Township Assessor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 398, 1999. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 2188 East 54th Street for the Washington Township Assessor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 399, 1999. Introduced by Councillors Williams and Hinkle. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which urges support for full funding of the

Community Development Block Grant program in the Year 2000"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 400, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$45,000 in the Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund Project IMPACT funded by a grant from Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 401, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a reduction of \$1,295,000 in the 1999 Budget of the Department of Public Safety, Fire Division (City Cumulative Capital Development Fund) due to alternative financing arranged for the construction of Fire Station 14"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 402, 1999. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which elects to fund MECA operations in calendar year 2000 with \$2 million of COIT revenue"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 403, 1999. Introduced by Councillor Moores. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sections 251-301 through 251-306 concerning the Animal Care and Control Commission, and amends Chapter 531 concerning Animals"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 404, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John Dillon to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 405, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Fred G. Johnston, Jr. to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 406, 1999. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops for the Perry Manor Neighborhood (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 407, 1999. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Westridge Village, Section 2 (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 408, 1999. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Bel Moore Subdivision, Section 2 (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 409, 1999. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Southern Springs, Sections 1, 2, and 3 (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 410, 1999. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Creekbend Subdivision, Sections 1 and 2 (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 411, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Allison Commons, Section 2 (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 412, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Allison Heights, Section 2 (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 413, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Eagles Landing, Sections 1, 2, and 3 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 414, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Fieldstone at Twin Creeks, Sections 3 and 4 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 415, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Brookstone at Twin Creeks, Sections 2 and 3 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 416, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Bayswater at Eagle Creek, Sections 3 and 4 (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 417, 1999. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Grube Street and Linden Drive located in Southgate Farms Subdivision (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 418, 1999. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Emerson Avenue near Brookville Road (Districts 13, 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 419, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the speed limit on River Road and Brandt Road (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 420, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the fee schedule for copies of public records made by the city or county"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 424, 1999. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which determines that the Council withdraw as a party to all legal proceedings to contest the Tax Court decision in the 1999 Library Board tax rate case"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 396, 1999. Councillor Borst reported that the Economic Development Committee heard Proposal No. 396, 1999 on June 15, 1999. The proposal is an inducement resolution for Roth Realty, LLC in an amount not to exceed \$3,160,000 to be used for the development and construction of a 65,000 square foot building and the acquisition of machinery, equipment or other fixtures to be located at 8940 Vincennes Circle for use in the Company's communication manufacturing business (District 1). By a 6-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 396, 1999 was adopted by the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Brents, Franklin, Golc, McClamroch, Moores

2 ABSENT: Coonrod, Gilmer

Proposal No. 396, 1999 was retitled SPECIAL RESOLUTION NO. 47, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 1999

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

WHEREAS, the City of Indianapolis, Indiana acting pursuant to and in accordance with the provisions of Indiana Code 36-7-12, *et seq.*, as amended (the "Act"), is authorized to issue its economic development revenue bonds to assist Roth Realty, LLC (the "Borrower") in the development and construction of certain land, and the acquisition of machinery, equipment or other fixtures in the City of Indianapolis, Indiana (the "City"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has been informed by officials of the Borrower that they propose to develop and construct a 65,000 square foot building, relocate and expand an existing facility and acquire machinery, equipment and other fixtures to be used by Roth Companies, Inc. in its business of manufacturing of communication systems to be located at 8940 Vincennes Circle, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Commission has found and determined that the diversity of industry and the retention and increase of opportunities for gainful employment (65 jobs to be created) plus the creation of an additional annual job payroll estimated at \$1,420,000 at the end of one year; \$2,850,000 at the end of two years; and \$4,250,000 at the end of three years (excluding benefits) will be achieved by the development, relocation, development, construction, equipping and carrying out of the Project and will serve a public purpose and be of benefit to the health and general welfare of the City and its citizens; and

WHEREAS, the Commission has found and determined that the development, construction, relocation, acquisition, equipping and carrying out of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the City; and

WHEREAS, it is the conclusion of the Commission, with which conclusion the City concurs, that assisting with the financing of the proposed Project will be of benefit to the health and general welfare of the City, complies with the purposes and provisions of the Act, and is in furtherance of the public purposes pursuant to the Act and for which the Commission was created; and

WHEREAS, after careful study and investigation of the nature of the proposed Project as aforesaid, the Commission has determined that the proposed Project constitutes facilities which will be of benefit to the health and general welfare of the City and Marion County; and

WHEREAS, the most feasible method of financing the development, construction, relocation, acquisition, equipping and carrying out of the proposed Project is for the City to issue its revenue bonds for that purpose and for it to lend the proceeds from the sale of said revenue bonds to the Borrower to enable it to develop, construct, relocate, acquire, equip and carry out the proposed Project and to repay the loan in installments which will be sufficient and timely to pay the principal of, premium (if any) and interest on said revenue bonds; and

WHEREAS, the Borrower has requested that the City indicate its willingness to issue its revenue bonds to finance the proposed Project, and its official intent to reimburse expenditures heretofore or hereafter made by or on behalf of the Borrower in connection with the Project (to the extent permitted by Section 1.150-2 of the Income Tax Regulations) so that said development, construction, relocation, acquisition, equipping and carrying out of the proposed Project may move forward; and

WHEREAS, the Commission has determined that it is in the best interest of its residents that the development, construction, relocation, acquisition, equipping and carrying out of the proposed Project move forward without delay; now, therefore:

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

SECTION 1. It is the conclusion of the Indianapolis Economic Development Commission (the "Commission"), with which conclusion the City concurs, that assisting with the financing of the proposed Project will be of benefit to the health and general welfare of the City, complies with the purposes and provisions of Title 36, Article 7, Chapter 12 of the Indiana Code, as amended (the "Act") and is in furtherance of the public purposes for which the Commission was created.

SECTION 2. Accordingly, in order to assist the Borrower with the financing of the proposed Project and to induce the Borrower to proceed with the Project and in order thereby to carry out the public purposes set forth by in the Act, WE HEREBY RESOLVE as follows:

(a) The City will use its best efforts to issue its revenue bonds (the "bonds") under the Act in a principal amount currently estimated not to exceed \$3,160,000 for the purpose of paying in whole or in part the costs of the financing, development, relocation, construction, acquisition of machinery, equipment and other fixtures to be used in furtherance of the Borrower's proposed Project.

(b) Simultaneously with the delivery of the Bonds, the City may lend the proceeds of the sale of the bonds to the Borrower to enable it to finance, develop, construct, acquire certain machinery and other fixtures and equip the proposed Project, and the terms and provisions of such loan agreement shall be

substantially in the form generally utilized in connection with such financial undertakings, as agreed upon by the City and the Borrower.

(c) The basic security document or other document or documents satisfactory to the parties shall contain agreements providing for the indemnification of the Commission and the City and the individual members, directors and officers thereof for all expenses incurred by them and for any claim of loss suffered or damage to property or any injury or death of any person occurring in connection with the development, construction, relocation, acquisition of machinery, equipment and other fixtures, equipping and carrying out of the proposed Project.

SECTION 3. The City may enter into a trust indenture with a corporate trustee. The trust indenture may pledge such loan agreement and the amounts derived or derivable by or on behalf of the City pursuant thereto, to said corporate trustee for the benefit of the owners of the bonds, and the terms of such trust indenture shall be agreed upon by the City, the Borrower and said corporate trustee.

SECTION 4. Subject to and in accordance with the provisions of the Act, the City will assist in the prompt preparation of the basic security document, the trust indenture, and any security agreement.

SECTION 5. If for any reason the City has not issued bonds hereunder by December 31, 1999, the provisions of this Resolution shall, at the option of the City, be cancelled.

SECTION 6. The Mayor and Clerk of the City are further authorized to take any and all further action and execute and deliver any and all other documents as may be necessary to issue and deliver the bonds and to effect the undertaking for which the bonds are proposed to be issued.

SECTION 7. Based upon representations of the Borrower to the effect that it intends to apply all or a portion of the proceeds of the bonds to reimburse themselves for all or a portion of the costs of the Project paid prior to the date of issuance of the bonds, the City hereby declares its official intent to apply all or a portion of the proceeds of the bonds to reimburse such expenditures, to the extent permitted by Section 1.150-2 of the Income Tax Regulations. This Resolution shall be in full force and effect from and after its passage by the City-County Council and approved by the Mayor.

Councillor Borst introduced Economic Development Commission bond counsel Mike Lucas and wished him a happy birthday.

PROPOSAL NO. 397, 1999. Councillor Borst reported that the Economic Development Committee heard Proposal No. 397, 1999 on June 15, 1999. The proposal is a special ordinance for Park Tudor Foundation, Inc. in an amount not to exceed \$13,000,000 to be used for expansion and renovation of the Upper School and Fine Arts Building located at 7200 North College Avenue (Park Tudor School Project) (District 2). By a 6-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 397, 1999 was adopted by the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Brents, Franklin, Moores

2 ABSENT: Coonrod, Gilmer

Proposal No. 397, 1999 was retitled SPECIAL ORDINANCE NO. 5, 1999, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 1999

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its \$13,000,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Park Tudor Foundation, Inc. Project) (the "Bonds"), and approving and authorizing other actions in respect thereto.

June 21, 1999

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

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

WHEREAS, a representative of Park Tudor Foundation, Inc. d/b/a Park Tudor School (the "Applicant") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Applicant in order to enable the Applicant to proceed with the expansion and renovation of the Upper School and Fine Arts Building and to acquire machinery, equipment and/or other fixtures for use at the educational facilities located at 7200 North College Avenue on approximately a 55 acre parcel of land (Park Tudor Foundation, Inc. Project). In addition, the Applicant will use the proceeds of the financing to (i) refinance or reimburse itself for all or a portion of the costs of the financing, construction, renovation, remodeling, and equipping of certain of its educational facilities; (ii) pay a portion of the interest to accrue on the bonds and to fund certain reserves for the bonds; and (iii) pay certain costs relating to the issuance of the bonds. The educational facilities developed under this proposal will provide educational services and enrichment (including cultural, intellectual, scientific, or artistic opportunities) to school age residents of Indianapolis and Marion County (collectively, the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the expansion, renovation and equipping of the Project by issuing its \$13,000,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Park Tudor Foundation, Inc. Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to the Trust Indenture dated as of June 15, 1999 (the "Indenture") between the Issuer and Bank One Trust Company, NA, Indianapolis, Indiana, as trustee (the "Trustee") in order to obtain funds to lend to the Applicant, pursuant to the Loan Agreement dated as of June 15, 1999 (the "Loan Agreement") between the Issuer and the Applicant, and pursuant to the Promissory Note issued by the Applicant to the Issuer in a principal amount equal to the aggregate principal amount of the Bonds and dated the same date as the date of the Bonds (the "Note"), for the purpose of financing or providing reimbursement for the costs of financing the Project including a portion of the interest on the Bonds during construction, funding a debt service reserve fund for the Bonds, obtaining credit enhancement for the Bonds, and paying certain costs of issuing the Bonds; and

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

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

WHEREAS, substantially final forms of the Indenture, Loan Agreement, Note, Bond Purchase Agreement among the Issuer, Applicant and the underwriter named therein (the "Underwriter"), Preliminary Official Statement, and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") regarding the Bonds have been presented at this meeting and reviewed by the Commission; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net

proceeds thereof to the Applicant for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Applicant will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms and terms of the Financing Documents are hereby approved in their substantially final forms.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed \$13,000,000 for the purpose of procuring funds to loan to the Applicant in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Applicant pursuant to the Loan Agreement, Indenture and Note to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer shall deem the Preliminary Official Statement final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Issuer shall authorize the Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final as stated above prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter thereof at a price not less than ninety-five percent (95%) of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed ten percent (10%) per annum. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

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

SECTION 7. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NOS. 425-431, 1999. Introduced by Councillor Hinkle. Proposal Nos. 425-431, 1999 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on June 17, 1999. 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. 99-105, 1999**, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 99, 1999.
99-Z-69

2859 - 2919 MAYWOOD ROAD (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

GMVLLC, requests a rezoning of 2.0 acres, being in the D-5 District, to the C-4 classification to provide for a tire and wheel sales and service business.

REZONING ORDINANCE NO. 100, 1999.

99-Z-70

505 - 511 EAST THOMPSON ROAD (approximate addresses), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

GLIMCHER GROUP MIDWEST, L.P., requests a rezoning of 1.19 acres, being in the C-3, C-6 and SU-34 Districts, to the C-3 classification to provide for construction of a pharmacy.

REZONING ORDINANCE NO. 101, 1999.

99-Z-71

8802 NORTH EVERGREEN AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

HERMAN ASSOCIATES, INC., by Zeff A. Weiss, requests a rezoning of 4.461 acres, being in the C-4 District, to the C-S classification to provide for a self-storage facility.

REZONING ORDINANCE NO. 102, 1999.

99-Z-73

510 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

SOUTHPORT LAWN EQUIPMENT, by Edward Williams, requests a rezoning of 0.312 acre, being in the D-A District, to the C-4 classification to provide for lawn equipment sales and service.

REZONING ORDINANCE NO. 103, 1999.

99-Z-75

701 EAST MARKET STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

J & A PROPERTIES, LLC, by Joseph D. Calderon, requests a rezoning of 0.73 acre, being in the I-3-U(RC) District, to the CBD-2(RC) classification to provide for a flower warehouse and distribution facility.

REZONING ORDINANCE NO. 104, 1999.

99-Z-77

6147 -6423 EAST 34th STREET (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

JOHN R. RIEDLING, by Michael D. Keele, requests a rezoning of 6.51 acres, being in the D-3 District, to the C-S classification to provide for a construction business.

[Clerk's Note: The following Petition No. 99-Z-80 (Proposal No. 431, 1999, R.O. No. 105, 1999) was certified in error. A letter from the Director of the Department of Metropolitan Development and the Secretary of the Metropolitan Development Commission stating that this petition should not have been certified is recorded as an official communication in the minutes of the July 19, 1999 meeting of the City-County Council.]

REZONING ORDINANCE NO. 105, 1999.

99-Z-80 (99-DP-14)

4640 SOUTH EMERSON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

M/I SCHOTTENSTEIN HOMES, INC., by Thomas Michael Quinn, requests a rezoning of 22.4 acres, being in the C-4 District, to the D-P classification to provide for single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden asked for consent to vote on Proposal Nos. 228, 358-361, 363, 364, and 367-369, 1999 together. Consent was given.

PROPOSAL NO. 228, 1999. The proposal approves an increase of \$660,620 in the 1999 Budgets of County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court (State and Federal Grants Fund) to continue the Marion County Drug Treatment Diversion Program funded by the Local Law Enforcement Block Grant III. PROPOSAL NO. 358, 1999. The proposal approves an increase of \$44,000 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for increased police overtime to reduce open drug dealing and property crimes, to increase community involvement and police relationships in the Meridian-Kessler neighborhood, funded by a federal grant. PROPOSAL NO. 359, 1999. The proposal approves an increase of \$60,000 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to fund juvenile crime prevention programs in association with the Youth Services Unit and the Police Athletic League of Indianapolis, funded by a federal grant. PROPOSAL NO. 360, 1999. The proposal approves an increase of \$2,742,483 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to purchase new police cars, to pay contractual programmers, and to award sub-grants to the Marion County Prosecutor, the Sheriff, Marion County Courts, and participating schools, financed by a grant from the Department of Justice. PROPOSAL NO. 361, 1999. The proposal approves an increase of \$782,558 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to continue the Weed and Seed Programs, financed by a grant from the Department of Justice. PROPOSAL NO. 363, 1999. The proposal approves an increase of \$102,944 in the 1999 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to continue the Adult Protective Services for Marion, Hamilton, Boone, and Hendricks Counties, funded by a grant from the Indiana Family and Social Services Administration. PROPOSAL NO. 364, 1999. The proposal approves an increase of \$5,000 in the 1999 Budget of the Prosecuting Attorney (County Grants Fund) to pay for informational brochures to promote the services available from "A Child's Haven" waiting room, funded by a grant from the Indianapolis Bar Foundation. PROPOSAL NO. 367, 1999. The proposal approves an increase of \$1,630,053 in the 1999 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to cover operational expenses for fiscal year 1999/2000, funded by a grant from the Department of Corrections. PROPOSAL NO. 368, 1999. The proposal approves an increase of \$454,968 in the 1999 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) to fund positions, home detention equipment, and office supplies for the first half of fiscal year 1999-2000, financed by fund balances. PROPOSAL NO. 369, 1999. The proposal approves an increase of \$194,416 in the 1999 Budgets of the County Auditor and Community Corrections (State and Federal Grant Fund) to fund the Juvenile Court Intensive Probation Services Program for fiscal year 1999/2000, financed by a grant from the Department of Corrections. By 5-0 votes, the Committee reported the proposals to the full Council with the recommendation that they do pass.

The President called for public testimony at 8:16 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Coughenour, for adoption. Proposal Nos. 228, 358-361, 363, 364, and 367-369, 1999 were adopted by the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: Franklin, Gray, McClanroch, Moores

2 ABSENT: Coonrod, Gilmer

Proposal No. 228, 1999 was retitled FISCAL ORDINANCE NO. 64, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Six Hundred Sixty Thousand Six Hundred Twenty Dollars (\$660,620) in the State and Federal Grants Fund for purposes of the County Auditor, Prosecuting Attorney, County Sheriff, Marion County Superior Court, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b,v,y,cc) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court to appropriate the funds from Block Grant III for activities that will be beneficial to the community.

SECTION 2. The sum of additional Six Hundred Sixty Thousand Six Hundred Twenty Dollars (\$660,620) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-Fringes	64,255
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	363,673
2. Supplies	11,946
<u>COUNTY SHERIFF</u>	
3. Other Services and Charges	177,774
<u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	28,112
3. Other Services and Charges	11,210
4. Capital Outlay	<u>3,650</u>
TOTAL INCREASE	660,620

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>660,620</u>
TOTAL REDUCTION	660,620

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. 358, 1999 was retitled FISCAL ORDINANCE NO. 65, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Forty-four Thousand Dollars (\$44,000) in the

Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to pay for increased police overtime to reduce open drug dealing and property crimes, to increase community involvement and police relationships in the Meridian-Kessler neighborhood.

SECTION 2. The sum Forty-four Thousand Dollars (\$44,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	
1. Personal Services	<u>44,000</u>
TOTAL INCREASE	44,000

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

<u>FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
Federal Grants Fund	<u>44,000</u>
TOTAL REDUCTION	44,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller 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. 359, 1999 was retitled FISCAL ORDINANCE NO. 66, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Sixty Thousand Dollars (\$60,000) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the 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 1.01(m) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to fund juvenile crime prevention programs in association with the Youth Services Unit and the Police Athletic League of Indianapolis.

SECTION 2. The sum Sixty Thousand Dollars (\$60,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>		
<u>POLICE DIVISION</u>		<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges		<u>60,000</u>
TOTAL INCREASE		60,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>60,000</u>
TOTAL REDUCTION	60,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller 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. 360, 1999 was retitled FISCAL ORDINANCE NO. 67, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Two Million Five Hundred Forty-two Thousand Four Hundred Eighty-three Dollars (\$2,542,483) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the 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 1.01m) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to purchase new police cars, to pay contractual programmers, and to award sub-grants to the Marion County Prosecutor, the Sheriff, Marion County Courts, and participating schools.

SECTION 2. The sum of Two Million Five Hundred Forty-two Thousand Four Hundred Eighty-three Dollars (\$2,542,483) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>		
<u>POLICE DIVISION</u>		<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges		910,620
4. Capital Outlay		<u>1,831,863</u>
TOTAL INCREASE		2,742,483

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>2,742,483</u>
TOTAL REDUCTION	2,742,483

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 controller 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. 361, 1999 was retitled FISCAL ORDINANCE NO. 68, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Seven Hundred Eighty-two Thousand Five Hundred Fifty-eight Dollars (\$782,558) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the 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 1.01(m) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to continue the Weed and Seed Programs.

SECTION 2. The sum of Seven Hundred Eighty-two Thousand Five Hundred Fifty-eight Dollars (\$782,558) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	322,730
2. Supplies	2,278
3. Other Services and Charges	445,960
4. Capital Outlay	<u>11,590</u>
TOTAL INCREASE	782,558

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>782,558</u>
TOTAL REDUCTION	782,558

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 controller 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. 363, 1999 was retitled FISCAL ORDINANCE NO. 69, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Hundred Two Thousand Nine Hundred Forty-four Dollars (\$102,944) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to provide funding for the Adult Protective Services to Marion, Hamilton, Boone and Hendricks Counties.

SECTION 2. The sum of One Hundred Two Thousand Nine Hundred Forty-four Dollars (\$102,944) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-Fringes	20,569
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	82,375
TOTAL INCREASE	102,944

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	102,944
TOTAL REDUCTION	102,944

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. 364, 1999 was retitled FISCAL ORDINANCE NO. 70, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Five Thousand Dollars (\$5,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the County 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 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to print informational brochures to promote the services available from "A Child's Haven" waiting room

SECTION 2. The sum of Five Thousand Dollars (\$5,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	5,000
TOTAL INCREASE	5,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>5,000</u>
TOTAL REDUCTION	5,000

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

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

Proposal No. 367, 1999 was retitled FISCAL ORDINANCE NO. 71, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Million Six Hundred Thirty Thousand Fifty-three Dollars (\$1,630,053) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections Agency to appropriate State funds to cover operational expenses for fiscal year 1999-2000.

SECTION 2. The sum of One Million Six Hundred Thirty Thousand Fifty-three Dollars (\$1,630,053) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	131,225
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	413,449
2. Supplies	20,059
3. Other Services and Charges	1,030,320
4. Capital Outlay	<u>35,000</u>
TOTAL INCREASE	1,630,053

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>1,630,053</u>
TOTAL REDUCTION	1,630,053

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. 368, 1999 was retitled FISCAL ORDINANCE NO. 72, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Four Hundred Fifty-four Thousand Nine Hundred Sixty-eight Dollars (\$454,968) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund positions, home detention equipment, and office supplies for the first half of fiscal year 1999-2000.

SECTION 2. The sum of Four Hundred Fifty-four Thousand Nine Hundred Sixty-eight Dollars (\$454,968) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services-Fringes	67,018
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	203,339
2. Supplies	12,500
3. Other Services and Charges	154,611
4. Capital Outlay	<u>17,500</u>
TOTAL INCREASE	454,968

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>454,968</u>
TOTAL REDUCTION	454,968

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. 369, 1999 was retitled FISCAL ORDINANCE NO. 73, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Hundred Ninety-four Thousand Four Hundred Sixteen Dollars (\$194,416) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund the Juvenile Court Intensive Probation Services Program for fiscal year 1999/2000.

SECTION 2. The sum of One Hundred Ninety-four Thousand Four Hundred Sixteen Dollars (\$194,416) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	36,954
COMMUNITY CORRECTIONS	
1. Personal Services	147,813
3. Other Services and Charges	9,649
TOTAL INCREASE	194,416

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	194,416
TOTAL REDUCTION	194,416

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. 365, 1999. The proposal approves an increase of \$212,659 in the 1999 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division (Alternative School Fund) to pay the salaries for the remaining six months of 1999 for New Directions Academy, funded by fund balances. PROPOSAL NO. 366, 1999. The proposal approves an increase of \$200,000 in the 1999 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a peer mediator position, a remedial reading instructor, and to pay for services provided by America Works, funded by a grant from Indianapolis Private Industry Council, Inc.. Councillor Dowden moved, seconded by Councillor Schneider, to postpone Proposal Nos. 365 and 366, 1999 until July 19, 1999. Proposal Nos. 365 and 366, 1999 were postponed by a unanimous voice vote.

PROPOSAL NO. 370, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 370, 1999 on June 16, 1999. The proposal approves an increase of \$750 in the 1999 Budget of Community Corrections (County Grants Fund) to pay for an Arts Project for inmates housed in the Corrections Center, funded by a grant from the Arts Council of Indianapolis, Inc. By a 3-2 vote, the Committee reported the proposal to the full 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 Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 370, 1999 was adopted by the following roll call vote; viz:

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

3 NAYS: Borst, Schneider, Smith

1 NOT VOTING: Franklin

2 ABSENT: Coonrod, Gilmer

Proposal No. 370, 1999 was retitled FISCAL ORDINANCE NO. 74, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Seven Hundred Fifty Dollars (\$750) in the County Grants Funds for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the County 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(z) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to fund an Arts Project for inmates housed in the Corrections Center.

SECTION 2. The sum of Seven Hundred Fifty Dollars (\$750) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	750
TOTAL INCREASE	750

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	750
TOTAL REDUCTION	750

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. 297, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 297, 1999 on June 8, 1999. The proposal, sponsored by Councillor Shambaugh, approves an increase of \$18,454 in the 1999 Budget of the Wayne Township Assessor (County General Fund) to pay for emergency water damage repair to the township headquarters building to prevent further damage, financed from fund balances. Councillor

Schneider moved, seconded by Councillor Shambaugh, to postpone Proposal No. 297, 1999 until July 19, 1999. Proposal No. 297, 1999 was postponed by a unanimous voice vote.

PROPOSAL NO. 318, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 318, 1999 on June 10, 1999. The proposal approves an increase of \$1,723,075 in the 1999 Budget of the Department of Public Works, Solid Waste Management Division (Solid Waste Disposal Fund) to pay the increased costs of private trash hauler contracts, financed by fund balances. By a 6-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Schneider asked if the fees will be passed on to local businesses. Councillor Coughenour stated that they will.

Councillor Golc stated that this seems like a large amount of additional money, and he thought the City would actually be saving money by outsourcing the hauling services. Councillor Coughenour stated that the savings is viewed over a period of years and is not immediately noticeable when there is a turnover in contracts. The new contractors will need to pay for equipment to service the appropriate districts. Councillor Golc stated that it does not make sense to sign five and ten-year contracts for services when the administration will be changing next year. He asked why a five-year contract is needed. Councillor Coughenour stated that the City is simply renewing these contracts. The original contracts were for five years and these are simply a renewal. Dennis Neidigh, Director of the Department of Public Works, stated that for the new companies a five-year contract is needed for a successful program in order to guarantee any equipment purchased.

Councillor Williams asked if these are new companies getting the bids or are the same contractors. She said that she does not understand why contracts cannot just be extended for one year if the contractors already have the contracts. Sheila O'Bryan, Corporation Counsel, stated that two of the haulers kept the same district, but a three-year transition period is best because of less inconvenience to citizens. Councillor Williams asked if contracts were awarded strictly on lowest bid. Ms. O'Bryan stated that this is primarily the case.

Councillor Black stated that some of the contractors should be monitored better in the way they serve the citizens. He said that when the City performed the job, they emptied cans and were more careful about not leaving trash behind. Mr. Neidigh stated that he will note this and pass on this information.

The President called for public testimony at 8:34 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 318, 1999 was adopted by the following roll call vote; viz:

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

Proposal No. 318, 1999 was retitled FISCAL ORDINANCE NO. 75, 1999, and reads as follows:

June 21, 1999

CITY-COUNTY FISCAL ORDINANCE NO. 75, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional One Million Seven Hundred Twenty-three Thousand Seventy-five Dollars (\$1,723,075) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Solid Waste Management Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for the Department of Public Works, Solid Waste Management Division, to finance the increased costs of private trash hauler contracts.

SECTION 2. The sum of One Million Seven Hundred Twenty-three Thousand Seventy-five Dollars (\$1,723,075) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>SOLID WASTE DISPOSAL FUND</u>
<u>SOLID WASTE MANAGEMENT DIVISION</u>	
3. Other Services and Charges	<u>1,723,075</u>
TOTAL INCREASE	<u>1,723,075</u>

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

	<u>SOLID WASTE DISPOSAL FUND</u>
Unappropriated and Unencumbered	
Solid Waste Disposal Fund	<u>1,723,075</u>
TOTAL REDUCTION	<u>1,723,075</u>

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

PROPOSAL NO. 319, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 319, 1999 on June 10, 1999. The proposal approves a transfer of \$451,642 and an increase of \$786,117 in the 1999 Budget of the Department of Public Works, Solid Waste Management Division (Solid Waste Disposal Fund) to more accurately reflect accounting of costs between the Solid Waste Collection and Solid Waste Disposal funds, financed by a transfer between characters and a reduction of fund balances. By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 319, 1999 was adopted by the following roll call vote; viz:

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

Proposal No. 319, 1999 was retitled FISCAL ORDINANCE NO. 76, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 76, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional One Million Two Hundred Thirty-seven Thousand Seven Hundred Fifty-nine Dollars (\$1,237,759) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Solid Waste Management Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal Fund, and reducing certain other appropriations in the Solid Waste Disposal Fund for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Solid Waste Management Division, to more accurately reflect accounting of costs between the Solid Waste Collection and Solid Waste Disposal funds.

SECTION 2. The sum of One Million Two Hundred Thirty-seven Thousand Seven Hundred Fifty-nine Dollars (\$1,237,759) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>SOLID WASTE MANAGEMENT DIVISION</u>	
3. Other Services and Charges	<u>1,237,759</u>
TOTAL INCREASE	1,237,759

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

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>SOLID WASTE MANAGEMENT DIVISION</u>	
1. Personal Services	241,417
2. Supplies and Materials	38,100
5. Internal Charges	<u>172,125</u>
TOTAL REDUCTION	451,642

<u>SOLID WASTE DISPOSAL FUND</u>	
Unappropriated and Unencumbered	
Solid Waste Disposal Fund	<u>786,117</u>
TOTAL REDUCTION	786,117

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

Councillor Coughenour asked for consent to hear Proposal No. 320, 1999 next on the agenda. Consent was given.

**SPECIAL SERVICE DISTRICT COUNCILS
SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

The President convened the Solid Waste Collection Special Service District Council.

PROPOSAL NO. 320, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 320, 1999 on June 10, 1999. The proposal approves a transfer of \$210,225 in the 1999 Budget of the Department of Public Works, Solid Waste Management Division (Solid Waste Collection Service District Fund) and an increase of \$986,117 in the Solid Waste Collection Service District Fund to more accurately reflect accounting of costs between the Solid Waste

Collection and Solid Waste Disposal Funds. 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 8:39 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 320, 1999 was adopted on the following roll call vote; viz:

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

Proposal No. 320, 1999 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1999, and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1999

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 1999 (Solid Waste Collection Special Service District Fiscal Ordinance No. 1, 1998) transferring and appropriating an additional Two Hundred Ten Thousand Two Hundred Twenty-five Dollars (\$210,225) in the Solid Waste Collection Service District Fund for purposes of the Department of Public Works, Solid Waste Management Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT 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 of the Solid Waste Collection Special Service District Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Solid Waste Management Division, to more accurately reflect accounting of costs between the Solid Waste Collection and Solid Waste Disposal funds.

SECTION 2. The sum of Two Hundred Ten Thousand Two Hundred Twenty-five Dollars (\$210,225) 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:

DEPARTMENT OF PUBLIC WORKS
SOLID WASTE MANAGEMENT DIVISION
 2. Supplies and Materials
 5. Internal Charges
 TOTAL INCREASE

SOLID WASTE COLLECTION
SERVICE DISTRICT FUND
 38,100
172,125
 210,225

Unappropriated and Unencumbered
 Solid Waste Collection Service District Fund
 TOTAL INCREASE

SOLID WASTE COLLECTION
SERVICE DISTRICT FUND
 986,117
 986,117

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

DEPARTMENT OF PUBLIC WORKS	<u>SOLID WASTE COLLECTION</u>
SOLID WASTE MANAGEMENT DIVISION	<u>SERVICE DISTRICT FUND</u>
1. Personal Services	308,700
3. Other Services and Charges	687,642
4. Capital Outlay	<u>200,000</u>
TOTAL REDUCTION	1,196,342

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

The President reconvened the City-County Council.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 165, 1999. The proposal, sponsored by Councillor Talley requires that pre-trial release contractors notify witnesses and victims of domestic crimes whenever the accused person escapes or otherwise violates the stipulated monitoring conditions. Councillor Dowden moved, seconded by Councillor Talley, to strike Proposal No. 165, 1999. Proposal No. 165, 1999 was stricken by a unanimous voice vote.

PROPOSAL NO. 262, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 262, 1999 on June 8, 1999. The proposal, sponsored by Councillor Massie, authorizes and approves an interlocal agreement for the investment of public funds. By a 6-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 262, 1999 was adopted by the following roll call vote; viz:

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

Proposal No. 262, 1999 was retitled COUNCIL RESOLUTION NO. 58, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 1999

A COUNCIL RESOLUTION of the City-County Council of the City of Indianapolis and the County of Marion, Indiana, authorizing and approving an Interlocal Agreement for the investment of public funds

WHEREAS, IC. 36-1-7 (the "Interlocal Law") authorizes political subdivisions to enter into interlocal cooperation agreements for the joint exercise of powers; and

WHEREAS, Marion County, Indiana (the "County") has public funds which are eligible for investment pursuant to the provisions of IC 5-13, and regularly exercises its power to invest such moneys pursuant to the provisions thereof; and

WHEREAS, the Interlocal law requires that any interlocal cooperation agreement be approved and authorized by the fiscal body of such participating political subdivision; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "Council"), is the fiscal body of the County and desires to enter into an interlocal agreement for the joint exercise of the power to invest public funds; now, therefore:

June 21, 1999

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

SECTION 1. The Council does hereby authorize and approve the entry by the County into the Interlocal Agreement dated as of October 1, 1996 (the "Agreement"), constituting an interlocal cooperation agreement by and among the Indiana participants that enter into the Interlocal Agreement (the "Participants"), and an agreement for services by and among the Participants, Bank One, Indianapolis, N.A., as Custodian, and MBIA Municipal Investors Service Corporation, a copy of which has been filed with this Council.

SECTION 2. The County Treasurer is the investing officer (as defined in IC 5-13-9) of the County (the "Investing Officer") and is hereby designated as the representative to the Board of Representatives described and set forth in the Agreement.

SECTION 3. The execution and delivery of a Participation Certificate, in the form attached as Exhibit D to the Agreement by the Marion County Treasurer are hereby authorized and approved, to evidence the entry into the Agreement by the County as a Participant.

SECTION 4. The Investing Officer is authorized to return the executed Participation Certificate to MBIA Municipal Investors Service Corporation and to take any such other action as may be necessary to effectuate the participation by the County in the Agreement, and is further authorized to take such other actions as may be necessary or desirable for the investment of funds of the County pursuant to the Agreement.

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

PARTICIPATION CERTIFICATE (COUNTY)

Pursuant to Section 2.3 of the Interlocal Agreement (the "Interlocal Agreement") dated as of October 1, 1996, by and between the Participants, Bank One, Indianapolis, N.A., as Custodian, and MBIA Municipal Investors Service Corporation, the undersigned County of Marion, Indiana, does hereby request that it be admitted as a Participant. By executing this Participation Certificate, the undersigned agrees that, upon the execution by the Program Administrator of this Certificate, it will become subject to the same obligations and shall have the same rights as if it had executed the Interlocal Agreement.

The undersigned, Gregory N. Jordan, the Treasurer of the County, is the duly designated Representative of the undersigned as required by the Interlocal Agreement. The undersigned hereby certifies that its fiscal body has taken all actions required by Indiana law in order for it to enter into and perform the Interlocal Agreement.

PARTICIPANT EXECUTION DATE

COUNTY OF MARION, INDIANA

By: _____ Gregory N. Jordan Treasurer of Marion County

STATE OF INDIANA)) SS: COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared, Gregory N. Jordan, Treasurer of Marion County, who acknowledged the execution of the foregoing on behalf of the County of Marion and who, having been duly sworn stated that the representations contained herein are true.

WITNESS my hand and notarial seal this ___ day of _____, 19__.

Notary Public Signature _____ County of Residence _____

Notary Public Printed _____ Commission Expiration Date _____

ACCEPTED:

MBIA Municipal Investors Service Corporation

By: _____
Name: _____
Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for the State of Indiana, personally appeared, _____, the _____ of MBIA Municipal Investors Service Corporation, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and deed of MBIA Municipal Investors Service Corporation, before me.

WITNESS my hand and notarial seal this ____ day of _____, 19__.

Notary Public Signature

County of Residence

Notary Public Printed

Commission Expiration Date

This instrument was prepared by Andrew P. Seiwert, Assistant Corporation Counsel, Office of Corporation Counsel, 200 E. Washington Street, Suite 1601, Indianapolis, Indiana 46204

PROPOSAL NO. 265, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 265, 1999 on June 14, 1999. The proposal, sponsored by Councillors Hinkle and Coughenour, amends the Revised Code concerning the restrictions on signs which advertise garage sales. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Talley asked if this proposal deals with the size of the signs. Councillor Hinkle stated that the sign ordinance stipulates sign size.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 265, 1999 was adopted by the following roll call vote; viz:

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

Proposal No. 265, 1999 was retitled GENERAL ORDINANCE NO. 74, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 1999

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code regarding garage sale signs.

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

SECTION 1. Section 987-203 of the "Revised Code of the Consolidated City and County," regarding restrictions on garage sales, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 987-203. Restrictions on garage sales.

(a) It shall be unlawful for a person to offer for sale, or to sell, at a garage sale any used, tangible personal property which previously was purchased for the purpose of resale.

(b) It shall be unlawful for a person to hold a garage sale:

- (1) Within the travel portion of any street or alley, or upon any median thereof, while such street or alley is open to vehicular traffic; or
- (2) Upon any public sidewalk or right-of-way in such a manner as to impede the flow of pedestrian traffic.

(c) If a garage sale is advertised by the use of signs, the number, size, location, and duration of such signs shall comply with Section 2.10(C) of the "Sign Regulations of Marion County," Appendix D, Part 19.

SECTION 2. Section 987-204 of the "Revised Code of the Consolidated City and County," regarding the required removal of garage sale advertising, hereby is REPEALED.

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

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

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

PROPOSAL NO. 268, 1999. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 268, 1999 on May 26, 1999. The proposal was returned to Committee in Council on June 7, 1999 and heard again by the Committee on June 16, 1999. The proposal approves certain public purpose grants totaling \$750,000 for support of the arts. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Massie stated that he will abstain from voting on this proposal to avoid an appearance of conflict.

Councillor McClamroch moved to amend the proposal based on the new distribution of amounts provided by the Parks Department. Councillor Borst seconded the amendment, and Proposal No. 268, 1999 was amended by a unanimous voice vote.

Councillor Shambaugh moved, seconded by Councillor Black, for adoption. Proposal No. 268, 1999, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Massie

2 ABSENT: Coonrod, Gilmer

Proposal No. 268, 1999, as amended, was retitled GENERAL RESOLUTION NO. 8, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 1999

A GENERAL RESOLUTION approving certain public purpose grants totaling 750,000 for support of the arts.

WHEREAS, the City-County Council appropriated the sum of Seven Hundred Fifty Thousand Dollars (750,000) in Section 4.0I(d) of City-County Fiscal Ordinance No. 124, 1998, Annual Budget and Tax levies for the Consolidated City of Indianapolis and Marion County, Indiana, (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

WHEREAS, Section 4.0I(c) of the Budget Ordinance requires that sums appropriated therein for public purpose local grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; now, therefore:

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

SECTION 1. The following grants and administrative expenses totaling Seven Hundred Fifty Thousand Dollars (\$750,000) for support of the arts is approved in the following amounts for the following organizations:

**Arts Council of Indianapolis
1999 Annual Grant Program Awards**

<i>Organization Name</i>	<i>Category</i>	<i>Award Amount</i>
American Pianists Association	Community Outreach	\$5,100.00
Arts Indiana	Community Outreach	\$10,100.00
Ballet Internationale	Community Outreach	\$15,100.00
Cathedral Arts	Community Outreach	\$10,100.00
Children's Museum of Indianapolis	Community Outreach	\$113,000.00
Citizen's Multi-Service Center	Community Outreach	\$1,500.00
Crossroads Performing Arts	Community Outreach	\$1,500.00
Dance Kaleidoscope	Community Outreach	\$9,600.00
Earth Music Center of Indianapolis	Community Outreach	\$1,000.00
Edyvean Repertory Theatre	Community Outreach	\$8,100.00
Eiteljorg Museum of American Indians Western Art	Community Outreach	\$36,000.00
Ensemble Music Society of Indianapolis	Community Outreach	\$2,000.00
Ensemble Ouabache	Community Outreach	\$1,000.00
Festival Music Society of Indiana	Community Outreach	\$2,000.00
Freetown Village	Community Outreach	\$4,000.00
Hawthorne Community Center	Community Outreach	\$2,500.00
Hoosier Salon Gallery & Patrons Association	Community Outreach	\$1,500.00
Indiana Film Society	Community Outreach	\$1,000.00
Indiana Repertory Theatre	Community Outreach	\$41,500.00
Indianapolis Art Center	Community Outreach	\$17,000.00
Indianapolis Chamber Orchestra	Community Outreach	\$9,100.00
Indianapolis Children's Choir	Community Outreach	\$8,100.00
Indianapolis Civic Theatre	Community Outreach	\$16,100.00
Indianapolis Museum of Art	Community Outreach	\$105,000.00

Indianapolis Opera	Community Outreach	\$17,100.00
Indianapolis Symphonic Band	Community Outreach	\$2,000.00
Indianapolis Symphonic Choir	Community Outreach	\$5,100.00
Indianapolis Symphony Orchestra	Community Outreach	\$130,000.00
Julian Center	Community Outreach	\$4,000.00
League of Professionally Mgd Theatres	Community Outreach	\$2,000.00
Madame Walker Theatre Center	Community Outreach	\$17,600.00
Marian College	Community Outreach	\$1,500.00
Phoenix Theatre	Community Outreach	\$7,600.00
Stories, Inc	Community Outreach	\$3,500.00
Susurrus	Community Outreach	\$2,000.00
Theatre on the Square	Community Outreach	\$4,000.00
Urban Arts Consortium of Indianapolis	Community Outreach	\$3,000.00
Very Special Arts of Indiana	Community Outreach	\$10,600.00
Young Audiences of Indiana	Community Outreach	\$12,600.00
SUBTOTAL		\$644,500.00
Clowes Memorial Hall	Arts Education	\$10,000.00
Gregory Hancock Dance Theatre	Arts Education	\$2,500.00
Heart Rays	Arts Education	\$3,000.00
Heartland Film Festival	Arts Education	\$1,000.00
Heritage Place of Indianapolis	Arts Education	\$1,500.00
Indianapolis Arts Chorale	Arts Education	\$1,500.00
Master Scholars, Inc.	Arts Education	\$1,000.00
New World Youth Symphony	Arts Education	\$2,500.00
Philharmonic Orchestra of Indianapolis	Arts Education	\$1,500.00
Schlasc Art Awards of Centr Ind.	Arts Education	\$1,000.00
SUBTOTAL		\$25,500.00

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

PROPOSAL NO. 347, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 347, 1999 on June 6, 1999. The proposal concerns the deferred compensation plan for city and county employees. 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 Shambaugh, for adoption. Proposal No. 347, 1999 was adopted on the following roll call vote; viz:

22 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Golc, Gray, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford*

0 NAYS:

5 NOT VOTING: *Hinkle, Jones, Massie, Short, Williams*

2 ABSENT: *Coonrod, Gilmer*

Proposal No. 347, 1999 was retitled GENERAL ORDINANCE NO. 75, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 1999

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code relating to the deferred compensation plan for City and County employees and approving amendments to the deferred compensation plan submitted to and approved by the City-County Council on September 10, 1990.

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

SECTION 1. Sec. 291-401 through Sec. 291-406 of the Revised Code of the Consolidated City and County be and are hereby amended by adding the underlined text and deleting the stricken-through text, to read as follows:

Sec. 291-401. Definitions.

For purposes of this article, the following words shall have the meanings herein stated:

- (1) *Deferred compensation* shall mean the amount of compensation reduced and deferred pursuant to a deferred compensation agreement.
- (2) *Deferred compensation plan* shall mean any plan established pursuant to section 291-402 or any plan established under an ordinance which preceded section 291-402.
- (3) *Deferred compensation account* shall mean the account established for each employee who has entered into a deferred compensation agreement and into which the compensation he has deferred shall be credited.
- (4) *Deferred compensation agreement* shall mean that agreement, the terms of which are set forth in section 291-404, entered into between the employer and an eligible employee as defined by section 291-403.
- (5) *Employee* shall mean any person actively employed by either the City of Indianapolis or by Marion County.
- (6) *Employer* shall mean the City of Indianapolis and Marion County, Indiana.

Sec. 291-402. Deferred compensation plan authorized.

- (1) Subject to city-county council approval of each plan, the employer is hereby authorized to establish and administer one (1) or more deferred compensation plans for eligible employees as provided in this article or pursuant to IC 5-10-1.1-7. Such deferred compensation plans may be amended from time to time after proposed amendments are submitted and approved by the city-county council. Any amendment to an existing plan or the adoption of a new plan shall not invalidate any employee's previous deferral of compensation and any income attributable to the amounts deferred.
- (2) All amounts held under any deferred compensation plan established under this ordinance must be held for the exclusive benefit of participants of the plan and their beneficiaries, as required by Section 457 (g) of the Internal Revenue Code.

Sec. 291-403. Employee eligibility.

Any permanent full-time or permanent part-time employee will be eligible to participate in the deferred compensation plan, provided the employee has entered into a properly executed deferred compensation agreement.

Sec. 291-404. Required terms of agreement.

The deferred compensation agreement specified in section 291-401 (4) shall be executed by the eligible employee and by the employer or by any party authorized to execute such agreements on behalf of the employer and shall contain the following provisions:

- (1) The eligible employee shall agree that the salary or other total compensation, authorized by statute, ordinance or the responsible salary administrator or the position held by such employee, shall be reduced by at least twenty-five dollars (\$25.00) per month and the amount shall be credited to his deferred compensation account.
- (2) The employer and eligible employee shall mutually agree that the amount of deferred compensation shall be paid as set forth in the deferred compensation plan.
- (3) ~~The eligible employee shall agree that the deferred compensation account shall be the absolute property of the employer, and the employee shall have no rights to that account except as set forth in the deferred compensation plan.~~

June 21, 1999

(43) The eligible employee shall agree that he will:

- a. change his election to participate;
- b. amend the amount of compensation to be deferred;
- c. change his specification for investment selection; or
- d. change the payment option selected for the payment of benefits;

only as provided for in the deferred compensation plan.

(54) The employer shall agree that the eligible employee may, subject to the terms of the deferred compensation plan, designate a beneficiary who, in the event of the death of such employee, shall be paid the full value of the employee's deferred compensation account.

Neither the existence of a deferred compensation agreement nor any of its provisions shall be construed to confer upon the employee any right to continue his employment for any specific period or at any particular rate of compensation. Any deferred compensation specified in such agreement shall accrue and be payable only as set forth in the deferred compensation plan.

Sec. 291-405. Management of deferred compensation accounts.

All deferred compensation accounts established pursuant to this article shall be invested pursuant to the terms of the deferred compensation plan and may be invested in either group fixed or group variable annuity contracts.

Sec. 291-406. Administration.

Each deferred compensation plan shall be administered as provided for in the deferred compensation plan document for that plan and any amendments thereto. Such documents may allow the employer, or his authorized representative, to enter into an agreement with, or to contract with, one or more third parties to provide administrative services for each deferred compensation plan.

SECTION 2. The City-County Council approves this restatement of the "DEFERRED COMPENSATION PLAN OF CITY OF INDIANAPOLIS AND MARION COUNTY" submitted to the Council on May 27, 1999, and attached to this proposal as EXHIBIT A.

SECTION 3. Should any provisions (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. 349, 1999. Councillor Borst reported that the Economic Development Committee heard Proposal No. 349, 1999 on June 15, 1999. The proposal supports an application to the Indiana Enterprise Zone Board for recertification of the Indianapolis Enterprise Zone for an additional five years. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Jones, for adoption. Proposal No. 349, 1999 was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: Black, Golc, Gray, Hinkle

2 ABSENT: Coonrod, Gilmer

Proposal No. 349, 1999 was retitled SPECIAL RESOLUTION NO. 48, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 1999

A SPECIAL RESOLUTION supporting an application to the Indiana Enterprise Zone Board for recertification of the Indianapolis Enterprise Zone for an additional five (5) years (1999 to 2004).

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

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

WHEREAS, in 1997 enterprise zone firms employed 2,504 people, paid wages of \$86.6 million, spent \$9.7 million on capital investments and had gross receipts of \$483.1 million; and

WHEREAS, 1,190 jobs were created indirectly as a result of the impact of production in the enterprise zone; and

WHEREAS, capital investment in the zone by businesses has increased in five (5) of the first seven (7) years; and

WHEREAS, as a result of the Urban Enterprise Association of Indianapolis' in-house employment and training efforts, 196 residents have been placed in jobs and 128 received training; and

WHEREAS, businesses benefiting from enterprise zone tax credits have contributed a portion of their tax savings to the Urban Enterprise Association in a ratio of 14:1, thereby contributing to the continuing improvement of the area; and

WHEREAS, the Urban Enterprise Association established and operates the Fuller Business Center, a business incubator that has supported the development of 31 small businesses; and

WHEREAS, the Urban Enterprise Association created Phed-EX, a community youth service corps, that has engaged 40 neighborhood young men in projects to benefit zone residents; and

WHEREAS, initial work has begun on Key Enterprise Industrial Park and construction will start this year; and

WHEREAS, the original state recognition was extended for a period of ten(10) years only; and

WHEREAS, initial recognition of the Urban Enterprise Association of Indianapolis and its enterprise zone is due to expire; and

WHEREAS, the Urban Enterprise Association of Indianapolis believes additional time is needed to complete its work on Key Enterprise Industrial Park and begin collaboration with other partners to improve commercial and residential areas in the northern part of the zone; and

WHEREAS, the Indiana Enterprise Zone Board may extend recognition of the Urban Enterprise Association of Indianapolis for an additional five (5) years; and

WHEREAS, the Board of Directors of the Urban Enterprise Association of Indianapolis has approved unanimously a resolution to apply to the Indiana Enterprise Zone Board for recertification for an additional five 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 hereby gives its support and endorsement of the efforts by the Urban Enterprise Association of Indianapolis to make application to the Indiana Enterprise Zone board for recertification for an additional five (5) years.

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

PROPOSAL NO. 350, 1999. Councillor Borst reported that the Economic Development Committee heard Proposal No. 350, 1999 on June 15, 1999. The proposal authorizes the Mayor to submit to the Indiana Enterprise Zone Board an application requesting modification to the boundaries of the City of Indianapolis Enterprise Zone. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 350, 1999 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Black, Franklin, Moores

2 ABSENT: Coonrod, Gilmer

Proposal No. 350, 1999 was retitled SPECIAL RESOLUTION NO. 49, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 1999

A SPECIAL RESOLUTION authorizing the Mayor of the City of Indianapolis to submit to the State of Indiana Enterprise zone Board an application including all necessary collateral material, requesting modification to the City of Indianapolis Enterprise Zone.

WHEREAS, the Indiana General Assembly by statute has authorized the creation of enterprise zones; and

WHEREAS, enterprise zones are designed to promote employment opportunities, reduce poverty, and promote economic development in certain areas; and

WHEREAS, in 1989 a portion of the City of Indianapolis consisting of 1.57 square miles (located in an area bounded generally by 46th Street on the North and 21st Street on the South; Fall Creek on the West and Meadows Drive on the East) was designed as an Urban Enterprise Zone; and

WHEREAS, in 1993 the Urban Enterprise Zone was expanded to include the former Thomson Consumer Electronics property located at Sherman Drive and Michigan Street together with a strip of land running from the original Enterprise Zone along the Monon Railroad Corridor to 10th Street, then East along 10th Street to Sherman Drive and South on Sherman Drive to the former Thomson Consumer Electronics, Inc. property; and

WHEREAS, it has been proposed that the enterprise zone be expanded again to include the following areas (which shall be referred to hereinafter, collectively, as the "Proposed Expansion Area"):

(1) an area bounded on the north by Adams Street and 39th Street; bounded on the south by 38th Street; bounded on the east by Sherman Drive; and bounded on the west by Meadows Drive. The purpose of this expansion is to make enterprise zone credits available to a one block deep area along 38th Street in The Meadows and is intended to increase the potential for commercial development. This proposed expansion area covers approximately .08 square miles and has an approximate population of 637 people.

(2) an area bounded on the north by the Conrail railroad corridor; bounded on the south by 20th Street and 21st Street; bounded on the east by Hillside Avenue and bounded on the west by Sheldon Street. This expansion would close gaps in the existing boundary and would make the boundary adjacent to a proposed industrial park. It covers approximately .17 square miles and has an approximate population of 102 people.

(3) an area bounded on the north by I-70 and Roosevelt Avenue; bounded on the south by Massachusetts Avenue; bounded on the east by Station Street and bounded on the west by Commerce Avenue. The purpose of this expansion is to encourage development along the Massachusetts Avenue corridor. It covers approximately .24 square miles and has an approximate population of 207 persons.

WHEREAS, expanding the boundaries of the existing enterprise zone to include the Proposed Expansion Area will make the property more attractive for new businesses; now therefore:

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

SECTION 1. The Mayor of the City of Indianapolis is hereby authorized to submit to the State of Indiana Enterprise Zone Board an application including all necessary collateral material, requesting modification to the boundaries of the City of Indianapolis Enterprise Zone to include the Proposed Expansion Area.

SECTION 2. The Mayor is hereby authorized to do all things reasonably necessary, including the execution of the application in order to secure the modification of the enterprise zone boundary.

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

PROPOSAL NO. 353, 1999. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 353, 1999 on June 16, 1999. The proposal concerns the powers, duties, and organization of the Department of Parks and Recreation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Curry asked if this proposal will reduce the number of representatives on the Greenway board. James Parham, Director of the Department of Parks and Recreation, stated that it will. Councillor Curry stated that it seems there are some problems that still need to be worked out because of language later in the proposal that deals with quorums that should be adjusted if the board is being decreased.

Councillor Gray asked if the board is under the jurisdiction of the Parks Department or Greenways. Mr. Parham stated that Greenways is a division of the Parks Department, and therefore, the board would fall under both.

Councillor Williams stated that this re-organization is a waste of time since the administration will be changing in six months.

Councillor Short moved, seconded by Councillor Williams, to return Proposal No. 353, 1999, as amended, to the Parks and Recreation Committee for further discussion and cleaning up the language of the proposal to be consistent with changes. Proposal No. 353, 1999, as amended, was returned to the Parks and Recreation Committee by a unanimous voice vote.

PROPOSAL NO. 354, 1999. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 354, 1999 on June 16, 1999. The proposal, sponsored by Councillor Bradford, authorizes off-leash areas in parks to enable the Department of Parks and Recreation to establish a dog park program. By a 6-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Williams stated that she does not know why the City is considering a dog park when the Parks Department and the Council promised skateboarders that they would find a park for them and still have not done so. She asked if the City has fulfilled that promise yet. Mr. Parham stated that the Parks Department has been working on such a project and has met with a consultant to design such a park.

Councillor Golc moved, seconded by Councillor Short, to return Proposal No. 354, 1999, as amended, to Committee to broaden the language to include areas in addition to Broad Ripple Park.

Councillor Bradford stated that it was the Committee's wish that the Broad Ripple Park be a pilot program to see if it is successful before opening such parks in other areas.

Councillor Shambaugh stated that it would be ill advised to send this proposal back to Committee as there is little discussion left on the issue.

Councillor Curry asked if this trial period is for six months or twelve. Mr. Parham stated that the park's success will be evaluated in six months. Councillor Curry asked why there is only a park cadet for four months. Mr. Parham stated that the park is intended to be self-policing, and a four-month period is a good time frame to see that things are running smoothly. Councillor Curry asked what attributes will merit that the park is a success. Mr. Parham stated that it will be based on cleanliness, noise level, lack of incidents, and compliance with the rules.

Councillor Borst stated that he is against sending the proposal back to Committee. He stated that, although he does not feel the park is needed personally, he will vote for the proposal. He stated that distemper and parvo should also be added under cautionary disease risks.

Councillor Massie stated that he would also like to see the age limit revised to include children twelve years and older.

The motion to return Proposal No. 354, 1999 to Committee failed on the following roll call vote; viz:

10 YEAS: Black, Brents, Franklin, Golc, Gray, Moores, Moriarty Adams, Short, Talley, Williams

16 NAYS: Borst, Boyd, Bradford, Cockrum, Coughenour, Curry, Dowden, Hinkle, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford

1 NOT VOTING: Jones

2 ABSENT: Coonrod, Gilmer

Councillor Shambaugh moved, seconded by Councillor Bradford, for adoption. Proposal No. 354, 1999, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Curry, Dowden, Jones, Massie, McClamroch, Moores, O'Dell, SerVaas, Shambaugh, Smith, Talley, Tilford

8 NAYS: Coughenour, Franklin, Golc, Gray, Hinkle, Moriarty Adams, Schneider, Short

1 NOT VOTING: Williams

2 ABSENT: Coonrod, Gilmer

Proposal No. 354, 1999, as amended, was retitled GENERAL ORDINANCE NO. 76, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 1999

A PROPOSAL FOR A GENERAL ORDINANCE amending Section 631-110 of the Revised Code authorizing off-leash areas in parks to enable the Department of Parks and Recreation to establish a dog park program.

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

SECTION 1. Section 631-110 of Article I, Chapter 631 of the Revised Code of the Consolidated City and County be and is hereby amended by deleting the stricken-through text and inserting the underlined text as follows:

Sec. 631-110. Animals and fowl in parks generally.

(a) It shall be unlawful for any person, being the owner of or having control thereof, and without permission of the board of parks and recreation, to suffer or permit any chickens, ducks, geese, swans, hogs, cattle, horses, sheep, goats or any other animals or fowl, to stray into or to run at large or unattended or to trespass upon any park, playground, waters or any property controlled, leased or loaned by the department of parks and recreation or on which a concession has been granted by it. Any of the animals or fowl prohibited by this subsection, straying into, running at large or unattended or trespassing on park lands, may be impounded by the department of parks and recreation, and, if not reclaimed and the costs thereof paid by the owners, may be sold as provided by law and this Code for the disposal of stray animals which are held in the city pound.

(b) It shall be unlawful for any person harboring or controlling a dog to permit or to suffer such dog, when not attended and under the control of the person and held by a leash, to be in any park, public playground or golf course, or at any time to enter any wading or swimming pool or beach located therein.

(c) Notwithstanding the provisions of §531-102 and §631-110(b) of this Code, dogs are permitted off-leash in a specific area of Broad Ripple Park under the jurisdiction or control of the department of parks and recreation which area is designated as an off-leash area by the board of parks and recreation.

~~(ed)~~ It shall be unlawful for any person to ride, lead or drive a horse, mule, pony, donkey or any other beast of burden on any park property; except that the board of parks and recreation may designate certain portions of park property as bridle paths or other areas wherein horses and other equine animals may be ridden, after securing a written permit therefor from the board. Horseback and other animal riding shall be confined exclusively to designated bridle paths and in public parks, or to other places set apart for such use. Reckless riding or racing at any place shall be unlawful. Riding horses or other animals on or across grass lawns, flower beds, golf courses or any park property, other than on bridle paths or places designated therefor, shall be unlawful.

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

PROPOSAL NO. 355, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 355, 1999 on June 16, 1999. The proposal, sponsored by Councillor Smith, prohibits the operation of live sex and violent act businesses in the city and county. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden explained that concerns were raised that violence act businesses also be prohibited and the proposal was amended to reflect such. Councillor McClamroch moved to amend the word violence to violent. He stated that this is more grammatically correct and makes more sense. Councillor Dowden seconded the motion, and Proposal No. 355, 1999 was amended by a unanimous voice vote.

Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 355, 1999, as amended, was adopted on the following roll call vote; viz:

June 21, 1999

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

2 NAYS: Black, Gray

1 NOT VOTING: Franklin

2 ABSENT: Coonrod, Gilmer

Proposal No. 355, 1999, as amended, was retitled GENERAL ORDINANCE NO. 77, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 1999

PROPOSAL FOR A GENERAL ORDINANCE to prohibit the operation of live sex and violent act businesses in the city and county.

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

SECTION 1. Chapter 391 of the "Revised Code of the Consolidated City and County," regarding nuisances, hereby is amended by the addition of a NEW Article VI, regarding live sex and violent act businesses, to read as follows:

ARTICLE VI. LIVE SEX AND VIOLENT ACT BUSINESSES

Sec. 391-601. Findings and Purpose.

(a) The council hereby finds that the operation of a business where persons pay to view or to participate in live sex and violent acts for a consideration:

- (1) Poses a substantial risk of the primary and secondary transfer of dangerous and life-threatening diseases, and contributes to the spread of sexually transmitted diseases;
- (2) Jeopardizes the health, safety, and general welfare of the inhabitants of the county, and in particular that of the patrons, employees, neighboring property owners, and emergency safety personnel; and,
- (3) Constitutes a public nuisance per se, which should be prohibited.

(b) Consistent with these findings, it is the purpose of this article to promote the health, safety, and general welfare of the inhabitants of the county by declaring live sex and violent act businesses to be unlawful.

Sec. 391-602. Definitions.

As used in this article, the following words and phrases shall have the definitions ascribed to them in this section.

Business means and includes a sole proprietorship, corporation, limited liability company, partnership or business trust, or an association which, in exchange for consideration, caters or offers any services, facilities, or goods to the general public or to a discernible segment thereof.

Consideration means and includes the payment of money or the exchange of any item of value for the direct or indirect right to enter, or to remain on, business premises or any portion thereof.

Live sex and violent act means and includes any of the following occurrences:

- (1) Penetration of a human sex organ or anus by the human male sex organ or by any other object;
- (2) Physical contact between the sex organ of one person and the mouth or anus of another person; or,
- (3) Direct or indirect touching, fondling, injuring or manipulating of any part of a person's genitals, buttocks, anus or female breast by any part of that person's or another person's body, or by any other object;

performed by a person or persons in the presence and view of another person. However, *live sex and violent act* shall not include any activity which constitutes the "practice of medicine or osteopathic medicine" by a "physician," as those terms are defined, and as authorized, by IC 25-22.5-1.

Sec. 391-603. Live sex and violent act businesses prohibited.

(a) A business in which one (1) or more persons may view, or may participate in, a live sex and violent act for a consideration, is hereby declared to be a public nuisance per se, and it shall be unlawful for any person to own, operate, or manage such a business in the city or county.

(b) The provisions of Subsection (a) of this section shall not apply to the non-obscene presentation, showing or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school institution of higher education or similar establishment, as a form of expression or opinion or communication of ideas or information, as differentiated from the promotion or exploitation of sex for the purpose of advancing the economic welfare of a commercial or business enterprise.

Sec. 391-604. Enforcement and penalties.

(a) A person who violates any provision of this article shall be punishable as provided in Section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than two thousand dollars (\$2,000.00), and each day that an offense continues shall constitute a separate violation.

(b) In addition to any other penalties provided by law, the court may enter an order upon a finding of violation and for good cause shown, as follows:

- (1) Any facility which was the site of a violation under this article shall be closed and vacated until the Court is satisfied that the facility will not be used further to conduct a live sex and violent act business;
- (2) The defendant shall pay restitution to any law enforcement agencies necessary for such agencies to recuperate their investigative costs in the enforcement of the instant case;
- (3) The defendant shall pay restitution to the city for attorneys' fees and other legal expenses incurred in the prosecution of the violation, and shall forfeit all consideration received by defendant in the conduct or operation of the live sex and violent business; and,
- (4) Conditions shall be imposed on the defendant as necessary to ensure future compliance with this article.

SECTION 2. The expressed 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 provision or 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. 356, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 356, 1999 on June 16, 1999. The proposal, sponsored by Councillor Moores, concerns panhandling, begging, and street performing on streets, and in public places and parks. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Moores, that Proposal No. 356, 1999 be amended by re-inserting the words "in a vehicle which is parked or stopped on a public street or alley" in Sec. 407-102 (c). By motion in the Committee hearing, these words were deleted from the proposal. Proposal No. 356, 1999 was amended by a voice vote.

Councillor Talley asked about the financial impact on the courts, prosecutor's office, and jail caused by this proposal. Councillor Dowden stated that no fiscal impact study was required on this proposal, but this is not a jailable offense, and therefore, the proposal can only make money for the court system.

Councillor Talley asked if this proposal will affect fundraisers like Dollars for Diabetes at Castleton Square. Councillor Dowden stated that this proposal will not affect any fundraisers that do not impede traffic. He added that these questions were answered in the Committee meeting that Councillor Talley attended.

Councillor Talley stated that he would normally support such a proposal, but does not feel the firefighters have been consulted properly regarding fundraisers and therefore he will vote in opposition.

Councillor Black stated that he is against discrimination against any one segment of people and feels this proposal will discriminate against Muslims, and will therefore vote against the proposal.

Councillor Dowden moved, seconded by Councillor Moores, for adoption. Proposal No. 356, 1999, as amended, was adopted on the following roll call vote; viz:

17 YEAS: Bradford, Brents, Cockrum, Curry, Dowden, Golc, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Smith, Tilford, Williams

8 NAYS: Black, Borst, Boyd, Coughenour, Gray, Hinkle, Jones, Talley

2 NOT VOTING: Franklin, SerVaas

2 ABSENT: Coonrod, Gilmer

Proposal No. 356, 1999, as amended, was retitled GENERAL ORDINANCE NO. 78, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 1999

A PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code with respect to panhandling.

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

SECTION 1. Section 407-102 of the "Revised Code of the Consolidated City and County," regarding begging on streets and in public places, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 407-102. ~~Begging on streets and public places~~ Panhandling.

(a) ~~No person shall, directly or indirectly, As used in this section, panhandling means any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking solicit alms or gratuities; or seek donations;~~

- (1) ~~bBy silent or vocal appeal to sympathy through attention to physical or mental infirmities of such person or of another person; or seek donations by means of for music, singing, or other street performance; and,~~
- (2) ~~selling small articles or any other aids or devices to accomplish such purpose Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.~~

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(b) It shall be unlawful to engage in an act of panhandling on any day after sunset, or before sunrise.

(c) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations: at a bus stop; in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk café; or, within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.

(d) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following actions:

(1) Touching the solicited person without the solicited person's consent;

(2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(3) Blocking the path of a person being solicited, or the entrance to any building or vehicle;

(4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or,

(6) Panhandling in a group of two (2) or more persons.

(e) ~~Any practice~~ Each act of panhandling prohibited by subsection (a) this section shall constitute a public nuisance and a separate violation of this section, which Code. Each violation shall be punishable, upon conviction, as provided in section 103-3 of the Code, and the court shall enjoin any such persons shall not be permitted by the police to continue or resume such practices on or at any public place or in any public building or structure in the city violator from committing further violations of this section.

SECTION 2. Section 631-107 of the "Revised Code of the Consolidated City and County," regarding gambling and begging in public parks, hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 631-107. Gambling, ~~begging.~~

It shall be unlawful for any person to gamble, or violate any federal, state or city laws pertaining thereto, ~~or to~~ beg in any public park, playground or any other place controlled by the department of parks and recreation.

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

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

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

PROPOSAL NO. 357, 1999 Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 357, 1999 on June 16, 1999. The proposal, sponsored by Councillors Dowden and Talley, provides procedures for victim notification of certain electronic

monitoring violations. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Robert Elrod, General Counsel, stated that this proposal has some serious legal issues that need to be researched. He stated that Sec. 284-206 has no effect whatsoever because State law makes it clear that cities are exempt from tort liability. This proposal changes such liability so that it is not discretionary.

Councillor Curry stated that due to serious legal issues that may arise from passage of this proposal this evening, he would like to see the proposal returned to the Committee for further editing. Councillor Curry moved, seconded by Councillor Cockrum, to return Proposal No. 357, 1999 to Committee.

Councillor Talley asked why Mr. Elrod did not express these reservations before this evening. Mr. Elrod stated that at introduction of the proposal, he had noted some reservations on the proposal, and now has had more time to research the issue.

Councillor Talley stated that this proposal involves an urgent issue that can save or jeopardize lives. He is opposed to returning the proposal to Committee.

Councillor Dowden stated that he would like to see the legal issues straightened out in Committee before passing on the proposal. He stated that the notification process is already in effect and taking place now, and this delay should not jeopardize any lives.

The President asked Mr. Elrod to detail his legal opinion on the issue in writing and provide this to Council members before the matter is discussed again in Committee. Mr. Elrod agreed to do so.

Councillor McClamroch stated that strong legal points need to be resolved before this proposal can be passed. He stated that returning the proposal to Committee is not an indication that Councillors do not support the proposal. He added that he is in full support of the victim notification process, but would like to see a proposal enacted that can be enforced and is legally binding.

Councillor Curry stated that the Council does not have the authority to enforce the final clause of the proposal.

Proposal No. 357, 1999, as amended, was returned to the Public Safety and Criminal Justice Committee on the following roll call vote; viz:

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

PROPOSAL NO. 372, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 372, 1999 on June 10, 1999. The proposal approves the Franklin Township Regional Sewer as the pilot "Pro Rata" sewer project. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved,

seconded by Councillor Hinkle, for adoption. Proposal No. 372, 1999 was adopted on the following roll call vote; viz:

20 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Golc, Hinkle, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

7 NOT VOTING: Borst, Dowden, Franklin, Gray, Jones, Moores, Williams

2 ABSENT: Coonrod, Gilmer

Proposal No. 372, 1999 was retitled GENERAL RESOLUTION NO. 9, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 9, 1999

A GENERAL RESOLUTION establishing the approval of the City-County Council of Indianapolis and Marion County, Indiana for the Department of Public Works and/or the Department of Capital Asset Management to designate the sanitary sewer project commonly known as the Franklin Township Regional Lift Station, Force Main and Gravity Sewer Extension - Phase I (hereafter "Franklin Township Regional Sewer") as the first "Pro Rata" sewer project under Article VIII of Section 671 of the Revised Code of Indianapolis and Marion County (Proposal No. 166, 1999, passed May 17, 1999) for which pro rata connection fees may be collected pursuant to that ordinance.

WHEREAS, Article VIII of Section 671 of the Revised Code of Indianapolis and Marion County authorizes the Department of Capital Asset Management and/or the Department of Public Works to request approval to designate a sanitary sewer project as a "Pro Rata" sewer.

WHEREAS, if approval is granted, the ordinance further authorizes the recording of a document setting forth the obligation to pay the pro rata connection fees, which document shall include a legal description and area map describing the geographic area to be served by the Pro Rata sewer (the recoupment area).

WHEREAS, if approval of the City-County Council is obtained and the document is recorded, owners of property in the recoupment area will be charged a pro rata connection fee, which fee shall be a pro rata portion of the City of Indianapolis' total costs of constructing the sewer. The fee shall be calculated based on the individual property area, measured in acres, compared to the total acreage in the recoupment area and shall be due only when a property is connected to the Pro Rata sewer or to a publicly-owned contributing sewer which is connected to that sewer.

WHEREAS, the City-County Council, having considered the request for approval of the Franklin Township Regional Sewer as the first "Pro Rata" sewer project and being duly advised, finds that the request should be approved; now therefore:

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

SECTION 1. The sanitary sewer construction project known as the Franklin Township Regional Lift Station Force Main and Gravity Sewer Extension - Phase I (Franklin Township Regional Sewer) is approved as the first "Pro Rata" sewer project under Article VIII of Section 671 of the Revised Code of Indianapolis and Marion County for which pro rata connection fees may be collected pursuant to that ordinance.

SECTION 2. The Department of Capital Asset Management or the Department of Public Works is authorized to record with the Marion County Recorder a document setting forth the obligation to pay the pro rata connection fees. The recorded document shall include a legal description and area map describing the geographic area to be served by the Franklin Township Regional Sewer.

SECTION 3. The Franklin Township Regional Sewer recoupment area of approximately 5855 acres for which pro rata connection fees may be collected is as set forth in the attached map (Attachment A). The pro rata connection fee for this project shall be \$2,202.29 per acre and shall be due only when a property is connected to the Franklin Township Regional Sewer or to a publicly-owned contributing sewer which is connected to that sewer. The pro rata connection fee is calculated as follows:

June 21, 1999

Project Construction Cost	\$ 6,386,154.00
Design/Engineering Cost	871,740.00
Property Acquisition Cost	180,075.00
Inspection Cost	486,424.00
Financing Cost	<u>4,988,000.00</u>
Total Cost of Construction	\$12,894,393.00

Total Cost of Construction of \$12,894,393.00 divided by 5855 acres in the recoupment area = **\$2,202.29 per acre.**

SECTION 4. The Franklin Township Regional Sewer shall be the "pilot" Pro Rata sewer project. Upon request of the Public Works Committee of the City-County Council, the Department of Capital Asset Management or the Department of Public Works shall present to that committee a status report on the Franklin Township Regional Sewer, including a map showing the areas which have connected to the sewer and the amount of pro rata fees collected. Further, as required by Article VIII of Section 671 of the Revised Code of Indianapolis and Marion County, the Department of Capital Asset Management or the Department of Public Works shall obtain City-County Council approval of any future pro rata project prior to commencement of construction of that future project.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

NEW BUSINESS

The President expressed his sympathy to the family of Stu Rhodes, Chief Financial Officer, on the passing of his wife Karen, and to the family of Sandy Morris, Administrative Secretary, on the passing of her father. He added that due to these deaths, illnesses, and vacation schedules, the office staff was down to three members this past week. He commended those staff members who were able to complete all assignments well and on time in spite of such circumstances, and thanked them for their hard work and dedication.

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) Councillors Curry and Bradford in memory of Brian D. Hiltunen; and
- (2) Councillor Moores in memory of Mae Schuchman Levin; and
- (3) Councillor Borst in memory of Marty Krug; and
- (4) Councillor Smith in memory of Gregory Daulton; and
- (5) Councillors Talley and Coughenour in memory of Charles Carter; and
- (6) Councillors Borst, Bradford, Coughenour, and SerVaas in memory of Karen Rhodes.

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 Brian D. Hiltunen, Mae Schuchman Levin, Marty Krug, Gregory Daulton, Charles Carter, and Karen Rhodes. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:33 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 21st day of June, 1999.

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)