

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

**REGULAR MEETINGS
MONDAY, APRIL 16, 2001**

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 7:14 p.m. on Monday, April 16, 2001, with President SerVaas presiding.

Councillor Nytes introduced neighbor Rod Smith, a counselor at Tabernacle Presbyterian Church who is originally from South Africa, who led the opening prayer. Councillor Nytes said that Mr. Smith voted in the Presidential election last November for the first time and was awed by that opportunity. Councillor Nytes then invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

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

28 PRESENT: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Bradford

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Douglas recognized Indiana University-Purdue University of Indianapolis students, Melinda Roach and Donnisa Harris, who are doing research on the Animal Care and Control Division. Councillor Gray recognized former high school classmate and current Executive Director of the Indianapolis Housing Agency, Rufus "Bud" Myers.

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, April 16, 2001, 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

March 20, 2001

TO PRESIDENT SERVAAS 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* and in the *Indianapolis Star* on Friday, March 23, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 94, 132-136, 138, 139, 142, 143, 144, 145, and 154-158, 2001, said hearing to be held on Monday, April 16, 2001, at 7:00 p.m. in the City-County Building.

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

March 30, 2001

TO PRESIDENT SERVAAS 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* and in the *Indianapolis Star* on Wednesday, April 4, 2001, a copy of a Legal Notice of General Ordinance No. 18, 2001.

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

March 26, 2001

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 approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 9, 2001 - approves a reappropriation of \$50,000 in the 2001 Budget of the Cable Communications Agency (Consolidated County Fund) to provide for a grant approved in 2000, but not encumbered, to Indiana University for educational access programming, financed by fund balances

FISCAL ORDINANCE NO. 10, 2001 - approves an increase of \$622,343 in the 2001 Budgets of the Prosecuting Attorney, Marion County Superior Court, Marion County Justice Agency, Marion County Public Defender Agency, and the County Sheriff (Deferral Program Fee Fund, County General Fund, Marion County Cumulative Capital Development Fund) to purchase computers and computer equipment, financed from the under-spending of the Y2K Project

FISCAL ORDINANCE NO. 11, 2001 - approves an increase of \$39,008 in the 2001 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to pay the balance owed on the Eagle Creek Firearms Training Facility Acoustical Remodel project, financed by fund balances

FISCAL ORDINANCE NO. 12, 2001 - approves an increase of \$249,203 in the 2001 Budget of the Department of Public Safety, Emergency Management Planning Division (Federal Grants Fund) to reappropriate money from previous year's federal grants, which funds the City's domestic preparedness program

FISCAL ORDINANCE NO. 13, 2001 - approves an increase of \$45,174 in the 2001 Budget for Community Corrections (State and Federal Grants Fund) to fund the Prevention Grant for the John H. Boner Community Center and Community Action of Greater Indianapolis for the year 2001, funded by grants from the Department of Corrections

FISCAL ORDINANCE NO. 15, 2001 - approves a transfer of \$3,300 in the 2001 Budget of the Cable Communications Agency (Consolidated County Fund) to fund a salary upgrade for an existing staff producer

GENERAL ORDINANCE NO. 17, 2001 - amends the Code to require that certain directional and informational signs located in the common areas of the City-County Building include translation into Spanish

GENERAL ORDINANCE NO. 18, 2001 - amends the Code concerning the appraisal of abandoned vehicles

GENERAL ORDINANCE NO. 19, 2001 - authorizes the multi-way stops at 64th and 65th Streets at the Monon Trail Crossing (District 2)

GENERAL ORDINANCE NO. 20, 2001 - authorizes a traffic signal at 4000 North Michigan Road for the Indianapolis Museum of Art's new entrance (District 9)

GENERAL ORDINANCE NO. 21, 2001 - authorizes a traffic signal at Dr. Martin Luther King Jr. Street and Golden Hill Drive (District 9)

GENERAL ORDINANCE NO. 22, 2001 - authorizes intersection controls for the Little Flower Neighborhood (Districts 10, 15)

GENERAL ORDINANCE NO. 23, 2001 - authorizes a change in the intersection controls at Behner Circle and Castle Knoll Boulevard, and authorizes a multi-way stop at Castle Knoll Boulevard and Behner Brook Drive (District 3)

GENERAL ORDINANCE NO. 24, 2001 - authorizes a multi-way stop at Thrasher Drive and Ochs Avenue (District 9)

GENERAL ORDINANCE NO. 25, 2001 - authorizes the reduction in the speed limit on 46th Street from Dandy Trail to High School Road (District 1)

GENERAL ORDINANCE NO. 26, 2001 - authorizes a weight limit restriction on Milhouse Road from Decatur Boulevard to Flynn Road (District 19)

GENERAL ORDINANCE NO. 27, 2001 - authorizes the removal of a weight limit restriction on Senate Avenue from Morris Street to Wisconsin Street (District 25)

GENERAL ORDINANCE NO. 28, 2001 - authorizes parking restrictions for Morris Street from Alton Avenue to Tibbs Avenue (District 17)

GENERAL ORDINANCE NO. 29, 2001 - authorizes the deletion of one-way traffic on Williams Street from Oriental Street to Arsenal Avenue; and authorizes changes in parking restrictions on Williams Street from Oriental Street to Arsenal Avenue (District 21)

GENERAL ORDINANCE NO. 30, 2001 - authorizes changes in time limits for the meters located on Meridian Street, on the west side, from Vermont Street to a point 123 feet north of Vermont Street (District 16)

SPECIAL ORDINANCE NO. 1, 2001 - authorizes the execution of an agreement between the City of Indianapolis and the City of Greenwood for the exercise of eminent domain authority and the construction of the Eastside Interceptor in Marion County

GENERAL RESOLUTION NO. 2, 2001 - concerns the per-diem compensation paid to the members of the Marion County Property Tax Assessment Board of Appeals

SPECIAL RESOLUTION NO. 10, 2001 - recognizes long-time sports writer Bill Benner

SPECIAL RESOLUTION NO. 11, 2001 - recognizes the Cathedral High School IHSAA Girls Basketball Class 3A State Champions

SPECIAL RESOLUTION NO. 12, 2001 - recognizes the Year 2000 Indianapolis Fire Department retirees

SPECIAL RESOLUTION NO. 13, 2001 - recognizes the tenth anniversary of Dance Kaleidoscope's Artistic Director David Hochoy

SPECIAL RESOLUTION NO. 14, 2001 - recognizes the public service of Ruth Landreth

SPECIAL RESOLUTION NO. 15, 2001 - approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on educational access channels of the franchised cable systems in Marion County

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2001 - approves an increase of \$105,059 in the 2001 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage FEMA's Urban Search and Rescue Task Force-1, funded by a federal grant

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2001 - approves an appropriation of \$185,000 in the 2001 Budget of the Department of Parks and Recreation (Solid Waste Collection Service District Fund) to pay for mowing of roadsides along Fall Creek Parkway, Burdsall Parkway, Pleasant Run Parkway, and White River Parkway East Drive, financed by a transfer of funds from the Department of Public Works, Contract Compliance Division

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Coonrod asked for consent to move Proposal No. 130, 2001 first on the agenda after the Introduction of Proposals. Consent was given. Councillor Dowden asked for consent to move Proposal No. 139, 2001 next on the agenda after Proposal No. 130, 2001. Consent was given.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of March 19, 2001. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 185, 2001. The proposal, sponsored by Councillors McWhirter, Bainbridge, and Cockrum, recognizes the State Champion Ben Davis High School Lady Giants Basketball Team. Councillor McWhirter read the proposal and presented representatives with copies of the document and Council pins. Coach Stan Bengé thanked the Council for the recognition. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 185, 2001 was adopted by a unanimous voice vote.

Proposal No. 185, 2001 was retitled SPECIAL RESOLUTION NO. 16, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2001

A SPECIAL RESOLUTION recognizing the State Champion Ben Davis High School Lady Giants Basketball Team.

WHEREAS, 9,375 spectators in the stands of Conseco Fieldhouse witnessed the Ben Davis Lady Giants earn the 4A large school class division basketball State Championship trophy, the school's second state championship win in a row; and

WHEREAS, the state finals game against Fort Wayne Snider could have gone either way during the first half, but then the Lady Giants loosened up and started hitting the basket, and significantly cranked up their defense on the other end of the playing floor; and

WHEREAS, by the final buzzer, the exuberant Ben Davis High School girls put away Fort Wayne 69-45, tallied 20 steals, five blocked shots, and Shyra Ely's 19 points made her the first high school girl in Indianapolis to score 2,000 points during a high school basketball career; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Ben Davis High School Lady Giants for winning the Indiana High School Athletics Association's State Championship.

SECTION 2. The Council commends the Purple Pride Lady Giants winning team: Amber Johnson, Adrienne Jones, Jessica Fetterman, Ashley Allen, Jennifer Poindexter, Janese Banks, Megan Jones, Kristin Van Valin, Shyra Ely, Allie Holok and Kourtney Crawford; Coaches Stan Bengel, Lisa Finn and Kevin Vanderbush; Trainer Heather McGowan; and the supportive parents, teachers, staff, administrators and fellow students who all helped make this joyful evening possible.

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. 186, 2001. The proposal, sponsored by Councillor Soards, recognizes the Pike High School State Champion boys basketball team. Councillor Soards read the proposal and presented representatives with copies of the document and Council pins. Assistant Coach Joe Pearson, team captain Keith Borgan, and Chris Thomas, 2001 Mr. Basketball for the Indiana All-Stars, thanked the Council for the recognition. Councillor Soards moved, seconded by Councillor Talley, for adoption. Proposal No. 186, 2001 was adopted by a unanimous voice vote.

Proposal No. 186, 2001 was retitled SPECIAL RESOLUTION NO. 17, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2001

A SPECIAL RESOLUTION recognizing the Pike High School State Champion boys basketball team.

WHEREAS, after 30 seasons of coaching, the Pike High School Red Devils boys basketball team delivered to their Coach Alan Darner a nice retirement present--the State Championship trophy; and

WHEREAS, the IHSAA large school Class 4A Red Devils went into the state finals game at Conseco Fieldhouse on the evening of March 24th against the 23-2 Penn High School team from Northern Indiana, where over 14,000 spectators witnessed Pike's 56-42 rout; and

WHEREAS, defense was the name of the game, with Pike forcing 21 turnovers and an outstanding 15 steals that completely disrupted the Penn game plan; and

WHEREAS, at the end of the fourth quarter Pike players and fans earned the right to express their feelings of exuberance on the Conseco playing floor that memorable night; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the winning Pike High School Red Devils boys basketball team for their outstanding 26-3 season and the State Championship title.

SECTION 2. The Council specifically commends team members Keith Borgan, Drew Breeden, Devin Thomas, Curtis Thomas, Tony Weeden, Darren Yates, Chris Thomas, David Teague, Brandon Hurd, Donald Yates, Stacy Jenkins, Kyle Murphy, Justin Cage and Parnell Smith; Coaches Alan Darner, Joe Pearson, Phil Spoljaric, Mike Linville and C.J. McClimon; managers and Trainers Ben Jafari, Ebony

Williams, Daniel Helm, Greg Friend, Sheri Taylor and Jennifer Weaver, and all of the supportive parents, faculty, staff, students and fans who all helped make this a banner year for Pike High School.

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. 187, 2001. The proposal, sponsored by Councillor Talley, congratulates new Eagle Scout Dallas Webb. Councillor Talley read the proposal and presented Eagle Scout Webb with a copy of the document and a Council pin. Ms. Deloris Hite, Eagle Scout Webb's mother; Minister Dennis Sinter, Scoutmaster; and Eagle Scout Webb thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Conley, for adoption. Proposal No. 187, 2001 was adopted by a unanimous voice vote.

Proposal No. 187, 2001 was retitled SPECIAL RESOLUTION NO. 18, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2001

A SPECIAL RESOLUTION congratulating new Eagle Scout Dallas Webb.

WHEREAS, seven years ago, a dynamic Cub Scout pack leader, Mrs. Lorena Simpson, planted fertile seeds about Scouting in the mind of young Dallas Webb, and his mother Mrs. Deloris Hite encouraged and supported his Scouting activities; and

WHEREAS, Dallas stayed with Scouting, and since then has participated in 20 camping trips, six summer camps, two National Black College Tours, a National Jamboree, and seven Community Service Projects—experiences that he surely would never have received without Scouting; and

WHEREAS, Dallas is now a graduating senior at Arlington High School where he has participated in football, basketball, and wrestling, has enjoyed algebra, biology, and English classes, and for the past two years has worked at the Red Lobster restaurant at 82nd and Castleton where he was an "employee of the month"; and

WHEREAS, a significant highlight in this young man's life occurred on March 14, 2001, when he was confirmed as an Eagle Scout in a public ceremony held at Light of the World Christian Church where Dallas is a member, Bishop T. Garrott Benjamin, Jr. is Senior Pastor, and Minister Dennis Sinter is Scoutmaster of Troop 189; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates Dallas Webb for his foresight, hard work, and positive attitude that have led him to the high status of Eagle Scout.

SECTION 2. May he be keenly aware that he is now a role model and that young eyes are looking up to him as he graduates from Arlington and enters Vincennes University, and as he goes on to conduct his adult life in a manner befitting an Eagle Scout.

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. 188, 2001. The proposal, sponsored by Talley, recognizes the Promise of Purity program of Greater St. Mark Baptist Church. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Evangelist Doris Heel thanked the Council for this recognition, and program participant Rachel Butler recited the covenant agreement. Councillor Talley moved, seconded by Councillor Black, for adoption. Proposal No. 188, 2001 was adopted by a unanimous voice vote.

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Proposal No. 188, 2001 was retitled SPECIAL RESOLUTION NO. 19, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2001

A SPECIAL RESOLUTION recognizing the Promise of Purity program of Greater St. Mark Baptist Church.

WHEREAS, it only took three months from a January idea of Rev. Joy L. Thornton, the Pastor of Greater St. Mark Baptist Church on East 38th Street, to when the first session of the Promise of Purity program was underway in March; and

WHEREAS, the Promise of Purity program for young people between the ages of eight to 18 begins with a Covenant Agreement signed by the student to abstain from drugs, sex and violence, and to pray and to actively participate in a series of Promise of Purity enrichment classes; and

WHEREAS, over 60 youth signed the pledge to attend the Scriptural-based sessions on resisting some modern day worldly temptations, self-awareness and esteem, using their minds and bodies in ways that are pleasing to themselves and to God, conflict resolution, and developing leadership talents; and

WHEREAS, Pastor Thornton, the Greater St. Mark Church family, and the many instructors are all committed to helping give young people moral and spiritual tools to help themselves; 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 leadership and members of Greater St. Mark Baptist Church for their Promise of Purity initiative for young people.

SECTION 2. The Council encourages St. Mark to expand upon this concept in the future, and to willingly share their Promise of Purity experiences with anyone else who might wish to replicate the idea in other parts of Indianapolis.

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

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

PROPOSAL NO. 189, 2001. The proposal, sponsored by Councillors Nytes, Boyd, Horseman, and Brents, recognizes the 5th American Jazz Piano Competition and the American Pianists Association. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Crystal DeHahn, president of the American Pianists Association (APA); Helen Small, executive director of the APA; and Alpha Blackburn, whose late husband (Walter Scott Blackburn) will be honored as the namesake for the first concert, thanked the Council for the recognition and for the Council's support of the arts in the City. Councillor Nytes moved, seconded by Councillor Horseman, for adoption. Proposal No. 189, 2001 was adopted by a unanimous voice vote.

Proposal No. 189, 2001 was retitled SPECIAL RESOLUTION NO. 20, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2001

A SPECIAL RESOLUTION recognizing the 5th American Jazz Piano Competition and the American Pianists Association.

WHEREAS, Indianapolis is now recognizing the potential drawing power of the arts, as exemplified by the Indianapolis-based American Pianists Association hosting the world class jazz piano competition this week; and

WHEREAS, on April 17th to 21st, the 5th American Jazz Piano Competition will commence with the free Walter S. Blackburn Jazz Concert at the Indianapolis Arts Garden, move to the semi-finals at the Jazz Kitchen on North College Avenue, and conclude with the Finals on April 21st at the Madame Walker Theater on Indiana Avenue; and

WHEREAS, thanks to the generosity of the descendants of Hoosier songwriter Cole Porter, this year's winning jazz pianist will receive a \$10,000 cash award, the production of a CD, and career assistance; and

WHEREAS, Indianapolis has a very rich local jazz heritage, and it is most fitting that this national jazz competition for young American pianists between the ages of 18 and 30 will be held on Indianapolis' Indiana Avenue; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and applauds all of those who are associated with the 22-year-old American Pianists Association, and wishes them the very best in their exciting 5th American Jazz Piano Competition this week.

SECTION 2. The Piano Competition works so well because many in the local business community appreciate that arts and cultural opportunities are a valuable asset to the community, and there is a rapidly growing recognition by the public and by the city leadership that for our own sakes, and for tourism benefits, now is the time to build upon our existing arts base and market it effectively.

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. 190, 2001. The proposal, sponsored by Councillors Horseman and Sanders, recognizes physical fitness experts and Team USA members Melanie Roberts and Heather Hedrick of the National Institute for Fitness and Sport. Councillor Horseman read the proposal and presented Ms. Roberts and Ms. Hedrick with copies of the document and Council pins. Ms. Roberts and Ms. Hedrick thanked the Council for the recognition. Councillor Horseman moved, seconded by Councillor Sanders, for adoption. Proposal No. 190, 2001 was adopted by a unanimous voice vote.

Proposal No. 190, 2001 was retitled SPECIAL RESOLUTION NO. 21, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 2001

A SPECIAL RESOLUTION recognizing physical fitness experts and Team USA members Melanie Roberts and Heather Hedrick of the National Institute for Fitness and Sport.

WHEREAS, Melanie Roberts is the Fitness Center Director of the Indianapolis-based National Institute for Fitness and Sport, is a graduate of Indiana State University, and holds a number of certificates in the field of fitness and conditioning; and

WHEREAS, Heather Hedrick is a Registered Dietician at the National Institute, and has a longstanding personal and professional interest in nutrition and in physical fitness; and

WHEREAS, Melanie recently won her female age 35-39 category in the Birmingham, Alabama, Duathlon, a 10K run/60K bike/5K run event that severely tested the physical and mental abilities of the 1,200 participating athletes, and again finished first place in her category last week in the Nashville, Tennessee, Duathlon; and

WHEREAS, Heather placed second in her 25-29 age group in the Tennessee race that attracted 250 entrants and featured a grueling hilly 10K run/60K bike/10K run course; and

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WHEREAS, these outstanding performances earn Melanie and Heather prestigious seats on Team USA that will compete this Fall in Europe at the World Duathlon; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Melanie Roberts and Heather Hedrick for achieving Team USA membership in the international Duathlon competition.

SECTION 2. Indianapolis is proud of Melanie and Heather and wishes them well in the World Finals as they represent this city, this nation, and themselves; and, may this international experience lead them to become even more knowledgeable and inspirational in their work of helping others in the months and years ahead at the National Institute for Fitness and Sport.

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. 191, 2001. The proposal, sponsored by Councillors Talley and Short, recognizes the April 28, 2001, Rebuilding Together with Christmas in April Indianapolis housing revitalization blitz. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Bill McCarthy, president of Rebuilding Together, and Darcy Webster, president of the Community Alliance for the Far Eastside (CAFE) board, thanked the Council for this recognition. Councillor Talley moved, seconded by Councillor Short, for adoption. Proposal No. 191, 2001 was adopted by a unanimous voice vote.

Proposal No. 191, 2001 was retitled SPECIAL RESOLUTION NO. 22, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 2001

A SPECIAL RESOLUTION recognizes the April 28, 2001, Rebuilding Together with Christmas in April Indianapolis housing revitalization blitz.

WHEREAS, Christmas in April began in April, 1973, in Midland, Texas, when some volunteers decided to repair some deteriorated homes of low income residents; and

WHEREAS, the concept took root and now local Christmas in April organizations are established across America, including Indianapolis which rehabbed 11 houses in one day last April; and

WHEREAS, Christmas in April takes its inspiration from old fashioned barn raisings, when an amazing number of skilled and unskilled volunteers converged at one place to do a massive amount of work in a very short time; and

WHEREAS, at 7:30 a.m. on the morning of April 28th, more than 250 volunteers will converge upon a neighborhood in Southwestern Lawrence Township to repair 19 homes and to create a neighborhood park in a one-day rehabilitation blitz; 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 second annual Rebuilding Together with Christmas in April Indianapolis neighborhood rehabilitation organization.

SECTION 2. The Council commends the main corporate sponsors: Inland Paperboard and Packaging, the Indiana Union Construction Industry, the Indianapolis Colts, and Lowe's Home Improvement Warehouse, along with a number of other private, public, and not-for-profit sponsors and contributors for their time and money to help improve the lives of several Indianapolis residents on April 28, 2001.

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.

President SerVaas asked for consent to vote on Proposal Nos. 796, 800, 802, and 817, 2000 and Proposal No. 86, 2001 together. All proposals are board appointments and passed out of their respective committees with unanimous do pass recommendations. Consent was given.

PROPOSAL NO. 796, 2000. The proposal, sponsored by Councillor Coonrod, reappoints James Art to the City-County Administrative Board. PROPOSAL NO. 800, 2000. The proposal, sponsored by Councillor Coonrod, reappoints Nellie J. Daniels to the Equal Opportunity Advisory Board. PROPOSAL NO. 802, 2000. The proposal, sponsored by Councillor Coonrod, reappoints Ernestine Nicholson to the Equal Opportunity Advisory Board. PROPOSAL NO. 817, 2000. The proposal, sponsored by Councillor Smith, reappoints Lincoln Plowman to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 86, 2001. The proposal, sponsored by Councillors Smith and Borst, appoints Brian P. Murphy to the Metropolitan Development Commission. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Coonrod moved, seconded by Councillor Smith, for adoption. Proposal Nos. 796, 800, 802, and 817, 2000 and Proposal No. 86, 2001 were adopted by a unanimous voice vote.

Proposal No. 796, 2000 was retitled COUNCIL RESOLUTION NO. 50, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 2001

A COUNCIL RESOLUTION reappointing James Art to the City-County Administrative 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 City-County Administrative Board, the Council reappoints:

James Art

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 800, 2000 was retitled COUNCIL RESOLUTION NO. 51, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 2001

A COUNCIL RESOLUTION reappointing Nellie J. Daniels to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council reappoints:

Nellie J. Daniels

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 802, 2000 was retitled COUNCIL RESOLUTION NO. 52, 2001, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 52, 2001

A COUNCIL RESOLUTION reappointing Ernestine Nicholson to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council reappoints:

Ernestine Nicholson

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

Proposal No. 817, 2000 was retitled COUNCIL RESOLUTION NO. 53, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 2001

A COUNCIL RESOLUTION reappointing Lincoln Plowman to the Metropolitan Board of Zoning Appeals Division III.

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 Metropolitan Board of Zoning Appeals Division III, the Council reappoints:

Lincoln Plowman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 86, 2001 was retitled COUNCIL RESOLUTION NO. 54, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 2001

A COUNCIL RESOLUTION appointing Brian P. Murphy to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Brian P. Murphy

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 168, 2001. Introduced by Councillors Coonrod and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$32,000 in the 2001 Budget of the Office of Corporation Counsel (Federal Grants Fund) to pay the salary of a Nuisance Abatement Task Force coordinator, funded by a grant from the U.S. Department of Justice, Office of Justice Programs (Bureau of Justice Assistance Discretionary Grant funds for

Community Prosecution Enhancement)”; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 169, 2001. Introduced by Councillor Bradford. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$37,500 in the 2001 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to appropriate the Marion County 4-H Clubs, Inc. grant funding for the Youth Program”; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 170, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$604,300 in the 2001 Budgets of the County Auditor, Prosecuting Attorney, County Sheriff, and the Marion County Public Defender Agency (County General Fund) to fund part two of the settlement of a court mandate for two new courts and additional staff, funded by reduction in fund balances”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 171, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$148,000 in the 2001 Budgets for the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to fund a paralegal's salary, supplies, equipment and operation expenses for the Nuisance Abatement Task Force, funded by a grant from the U.S. Department of Justice, Office of Justice Programs (Bureau of Justice Assistance Discretionary Grant funds for Community Prosecution Enhancement)”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 172, 2001. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$57,300 in the 2001 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide continued funding for a deputy prosecutor and part-time investigator/victim advocate for the Regional Gang Interdiction Program, funded by a grant from the Indiana Criminal Justice Institute (Bryne Memorial Funds)”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 173, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$161,140 in the 2001 Budgets of the County Auditor and Marion County Public Defender Agency (State and Federal Grants Fund) to continue the Sentencing Alternative Program, funded by a grant from the Indiana Criminal Justice Agency”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 174, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$20,021 in the 2001 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Abuse Monitoring Program, funded by a federal grant”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 175, 2001. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$88,000 in the 2001 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the coordinator position and the public awareness campaign for the Indianapolis Violence

Reduction Partnership, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 176, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$24,000 in the 2001 Budgets of the County Sheriff and Marion County Superior Court, Juvenile Division (County General Fund) for the County Sheriff to provide transportation for juveniles at the Marion County Superior Court, Juvenile Division"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 177, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,590 (balance of the Positive Permanency Project Grant) in the 2001 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund modifications to the Quest software"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 178, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$58,060 in the 2001 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to continue funding for Child Advocates, funded by an Indiana Criminal Justice Institute grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 179, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$505,832 in the 2001 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to pay a previous obligation to the County Sheriff for the city's share of 1999 costs of the combined dispatch system, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 180, 2001. Introduced by Councillors Dowden, Gray, and Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns smoking restrictions in local governmental buildings"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 183, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kenneth Emge Almon to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 184, 2001. Introduced by Councillors Bainbridge and Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints David B. Sears to the Speedway Economic Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 207, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works and increases sewer user fees"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO. 130, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 130, 2001 on April 3, 2001. The proposal, sponsored by Councillor Dowden, determines the need to lease office space at the Legacy House, 2505 North Arlington Avenue, for victim-assistance personnel of the Marion County Sheriff's Department. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Dowden, for adoption. Proposal No. 130, 2001 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Gray, Knox, Nytes

1 ABSENT: Bradford

Proposal No. 130, 2001 was retitled SPECIAL RESOLUTION NO. 23, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2001

A SPECIAL RESOLUTION determining the need to lease approximately 1,082 square feet of office space at the Legacy House, 2505 North Arlington Avenue, for victim-assistance personnel of the Marion County Sheriff's Department.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of victim-assistance personnel of the Marion County Sheriff's Department is necessary.

SECTION 2. The property to be leased is at the Legacy House, 2505 North Arlington Avenue in Indianapolis, and is owned by the Health and Hospital Corporation of Marion County.

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

SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 139, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 139, 2001 on March 21 and April 11, 2001. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$363,877 in the 2001 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to fund a project enabling better air handling and cooling in the kennel area, financed by a reduction in fund balances. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 8:44 p.m. Dan Kilborne and Marcia Merkel, citizens, thanked the Council for working out a solution to this problem.

Councillor Black thanked all the citizens who donated money for this cause. Councillor Langsford said that he has been inundated with calls in support of this proposal, and therefore he supports it as well. Councillor Conley agreed and said that he feels the Council should listen to the wishes of their constituents.

Councillor Brents stated that she cannot support this proposal. Even though she agrees that animals should be treated humanely, she said that there are senior citizens, low-income families, and schools which do not have air conditioning and are suffering, as well. She said that she believes the priorities should be placed on human citizens first.

Councillor Boyd said that he had the opportunity to visit the Animal Care and Control Facility and he believes this is needed and he supports the proposal because of the great response and monetary donations coming from constituents.

Councillor Schneider said that he does not believe this is a priority for the City or the best use of taxpayer money. He said that priorities need to be set, and he believes this project should not be one of the highest priorities.

Councillor Talley referred to a letter from City Controller Kathy Davis correcting a statement made in the last Committee hearing that indicated that the Animal Care and Control Division had asked for \$676,000 for this project last year, which is not accurate. The amount requested was \$147,000.

Councillor Dowden stated that this is not a new effort, and is a continuing effort from a contract entered into during the previous administration. He said that he has actually received several calls opposed to this proposal, but he feels it is the right thing to do. He said that he believes the process has been followed and this proposal will address the problem while responsibly overseeing the taxpayers' money.

President SerVaas said that he received probably more faxes and telephone calls than most because of his title as President of the Council. He said that there are also employees who have to deal with the unhealthy conditions of this facility, and there are many open positions and a great turnaround percentage in employment. He said that he believes that this should be done to serve the City employees, as well.

Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 139, 2001 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Talley, Tilford
4 NAYS: Brents, Coonrod, Massie, Schneider
1 ABSENT: Bradford

Proposal No. 139, 2001 was retitled FISCAL ORDINANCE NO. 16, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Three Hundred Sixty-three Thousand Eight Hundred Seventy-seven Dollars (\$363,877) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division and reducing the unappropriated and unencumbered balance in the Consolidated County 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(l) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division, to fund a project enabling better air handling and cooling in the kennel area.

SECTION 2. The sum of Three Hundred Sixty-three Thousand Eight Hundred Seventy-seven Dollars (\$363,877) 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, of which at least \$110,000 shall be from the Animal Care and Control Division, Special Projects Funding.

SECTION 3. The following additional appropriation is hereby approved:

| <u>DEPARTMENT OF PUBLIC SAFETY</u> | |
|------------------------------------|---------------------------------|
| <u>ANIMAL CONTROL DIVISION</u> | <u>CONSOLIDATED COUNTY FUND</u> |
| 3. Other Services and Charges | 15,000 |
| 4. Capital Outlay | <u>348,877</u> |
| TOTAL INCREASE | 363,877 |

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

| | <u>CONSOLIDATED COUNTY FUND</u> |
|---------------------------------|---------------------------------|
| Unappropriated and Unencumbered | |
| Consolidated County Fund | <u>363,877</u> |
| TOTAL REDUCTION | 363,877 |

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

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 192, 2001, PROPOSAL NO. 193, 2001, PROPOSAL NOS. 194-196, 2001, and PROPOSAL NOS. 197-205, 2001. Introduced by Councillor Smith. Proposal No. 192, 2001, Proposal No. 193, 2001, Proposal Nos. 194-196, 2001, and Proposal Nos. 197-205, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 10, 2001. 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. 44-57, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 44, 2001.
 2000-ZON-181
 8437-8501 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
 WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19
 GREG DOTSON requests a rezoning of 3 acres, being in the D-3 and C-3 Districts, to the I-2-S classification to provide warehousing and associated office uses.

REZONING ORDINANCE NO. 45, 2001.
 2001-ZON-802
 2811-2819 EAST 10th STREET and 946 and 956 NORTH OXFORD STREET (approximate address), INDIANAPOLIS.
 CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15
 PARTNERS IN HOUSING DEVELOPMENT CORPORATION, by David Kingen, requests a rezoning of 0.30 acre, being in the C-3 District, to the C-3C classification to provide for commercial and residential uses.

REZONING ORDINANCE NO. 46, 2001.
 2000-ZON-167
 7400 LAKE ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
LITTLETON SAND & SUPPLY, INC., by Michael J. Kias, requests a rezoning of 20 acres, being in the D-A (W-5) District, to the D-A (GSB)(W-5) classification to provide for the mining of gravel, sand, borrow, and other minerals and a temporary processing plant.

REZONING ORDINANCE NO. 47, 2001.

2000-ZON-177 (Amended)

5335 MENDENHALL ROAD (approximate address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

ROBERT R. CARR, by Thomas Michael Quinn, requests a rezoning of 35 acres, being in the D-A District, to the D-6II classification to provide for the construction of attached multi-family dwellings.

REZONING ORDINANCE NO. 48, 2001.

2001-ZON-803

2222 EAST NEW YORK STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.

RICHARD BRODERICK, by Paul G. Roland, requests a rezoning of 0.306 acre, being in the D-8 District, to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 49, 2001.

2000-ZON-185

7451 EAST THOMPSON ROAD (approximate addresses), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

FIVE POINTS ROAD DEVELOPMENT COMPANY, LLC, by Stephen D. Mears, requests a rezoning of 15.46 acres, being in the D-A District and I-2-S Districts, to the D-3 classification to provide for single family residential development.

REZONING ORDINANCE NO. 50, 2001.

2001-ZON-006

135 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

COLE INCORPORATED, by Joseph M. Scimia, requests a rezoning of 3.727 acres, being in the CBD-S (RC) District, to the CBD-S (RC) classification to provide for chemical blending for the metalworking fluids industry, car care industry, and resin manufacturers.

REZONING ORDINANCE NO. 51, 2001.

2001-ZON-012

2207, 2211, and 2221 EAST 25th STREET and 2463 HILLSIDE AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10.

ROBERT W. LATIMER requests a rezoning of 0.404 acre, being in the D-5 District to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 52, 2001.

2001-ZON-017

6800 NORTH INTECH BOULEVARD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1.

INTECH PARK PARTNERS, LLC, by Michael C. Cook, requests a rezoning of 10.335 acres, being in the C-S District, to the C-S classification to provide for C-1 uses, a motel or hotel, a catering and conference facility, and an exercise facility, fitness center, or gymnasium.

REZONING ORDINANCE NO. 53, 2001.

2001-ZON-019

6345 AND 6451 CRAWFORDSVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

M & J LIMITED PARTNERSHIP, by Philip A. Nicely, requests a rezoning of 18.337 acres, being in the C-3 (FF) (W-5) and D-A (FF) (W-5) Districts, to the C-S (FF) (W-5) classification to provide for all C-3 uses, plumbing sales and service, contractors, all I-1-S uses, manufacture, assembly or repair of motor vehicles and a plumbing heating and air-conditioning company.

REZONING ORDINANCE NO. 54, 2001.

2001-ZON-023

4102 AND 4108 EAST MICHIGAN STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

BRUCE HARTER requests a rezoning of 0.220 acre, being in the C-2 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 55, 2001.

2001-ZON-024 (Amended)

3650 SANDY SPRING LANE (rear) (approximate address) a/k/a 3705 KESSLER BOULEVARD, NORTH DRIVE, INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 9

SECOND BAPTIST CHURCH requests a rezoning of 10.5 acres, being in the C-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 56, 2001.

2001-ZON-801

2321 STATION STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

JEFFERY G. WILLIS, by Michael J. Kias, requests a rezoning of 0.12 acre, being in the D-5 District, to the C-7 classification to provide for commercial uses.

REZONING ORDINANCE NO. 57, 2001.

2001-ZON-804

6829 SOUTH EMERSON AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

BW EMERSON DEVELOPMENT, LLC, by Mary E. Solada, requests a rezoning of 14.1 acres, being in the SU-I and C-I Districts, to the C-S classification to provide for limited C-4 uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 56, 2001. In Councillor Bradford's absence, Councillor Schneider reported that the Community Affairs Committee heard Proposal No. 56, 2001 on March 27, 2001. The proposal, sponsored by Councillor Bradford, approves an increase of \$2,138 in the 2001 Budget of the County Auditor (County Child Advocacy Fund) to support the continuation of an interdisciplinary response to child abuse and neglect situations for the Family Advocacy Center (per IC 12-17-17-2), financed by fund balances. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Black, for adoption. Proposal No. 56, 2001 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

7 NOT VOTING: Black, Coughenour, Douglas, Gibson, Horseman, Short, Talley

1 ABSENT: Bradford

Proposal No. 56, 2001 was retitled FISCAL ORDINANCE NO. 17, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Thousand One Hundred Thirty-eight Dollars (\$2,138) in the County Child Advocacy Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County Child Advocacy 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) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor to support the continuation of the interdisciplinary response to child abuse and neglect situation for the Family Advocacy Center (per IC 12-17-17-2)

SECTION 2. The sum of Two Thousand One Hundred Thirty-eight Dollars (\$2,138) 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 increased appropriation is hereby approved:

| | |
|-------------------------------|-----------------------------------|
| <u>COUNTY AUDITOR</u> | <u>COUNTY CHILD ADVOCACY FUND</u> |
| 3. Other Services and Charges | <u>2,138</u> |
| TOTAL INCREASE | 2,138 |

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

| | |
|---|-----------------------------------|
| | <u>COUNTY CHILD ADVOCACY FUND</u> |
| Unappropriated and Unencumbered County Child Advocacy Fund | <u>2,138</u> |
| TOTAL DECREASE | 2,138 |

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

PROPOSAL NO. 65, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 65, 2001 on February 12 and March 26, 2001. The proposal, sponsored by Councillors Nytes and Smith, approves the issuance of a limited recourse note of the Redevelopment District for the purpose of paying the costs of certain infrastructure improvements in or serving property located in the Fall Creek Redevelopment Area and in the Citizens Redevelopment Area, and approves other matters related thereto. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:50 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Nytes, for adoption. Proposal No. 65, 2001 was adopted on the following roll call vote; viz:

- 25 YEAS: *Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford*
- 0 NAYS:
- 3 NOT VOTING: *Gibson, Horseman, Short*
- 1 ABSENT: *Bradford*

Proposal No. 65, 2001 was retitled GENERAL RESOLUTION NO. 3, 2001, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2001

A RESOLUTION (i) approving the issuance of a limited recourse note of the Redevelopment District of the City of Indianapolis, Indiana, for the purpose of paying the costs of certain infrastructure improvements in or serving property located in the Fall Creek Redevelopment Area and in the Citizens Redevelopment Area, and (ii) approving other matters related thereto.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has previously created the Fall Creek Redevelopment Area and the Citizens Redevelopment Area (together, the "Areas"), pursuant to the provisions of Indiana Code 36-7-15.1; and

WHEREAS, on February 7, 2001, the Commission adopted a Preliminary Note Resolution (Resolution No. _____) (the "Preliminary Note Resolution") pursuant to Indiana Code 5-1.4-8-6 authorizing the issuance of limited recourse notes of the Redevelopment District of the City of Indianapolis, Indiana (the "District") in an aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000) (the "Notes"), the principal of and interest on which are payable from proceeds of bonds of the District, when and if issued to finance or refinance the Project (as defined herein), or from other revenues of the Commission legally available for the payment of principal of and interest on the Notes, if any, for the purpose of procuring funds to be applied to the cost of financing certain infrastructure improvements in or serving the Areas (the "Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Notes therefor (collectively, the "Project"); and

WHEREAS, the Notes are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank pursuant to the provisions of Indiana Code 5-1.4; and

WHEREAS, the Commission has requested the approval of the City-County Council for the issuance of the Notes pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Notes 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 City-County Council does hereby approve (i) the Preliminary Note Resolution and (ii) the issuance of the Notes of the District payable from proceeds of bonds of the District, when and if issued to finance or refinance the Project, or from other revenues of the Commission legally available for the payment of principal of and interest on the Notes, if any, in an aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000), which amount does not exceed the estimated costs of the Project.

SECTION 2. 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.

PROPOSAL NO. 85, 2001. In Councillor Bradford's absence, Councillor Schneider reported that the Community Affairs Committee heard Proposal No. 85, 2001 on March 27, 2001. The proposal, sponsored by Councillor Bradford, approves an increase of \$24,972 in the 2001 Budgets for the County Auditor and the Cooperative Extension Service (County Grants Fund) to provide for the CARE (Communities Against Rape) after school project, funded by a grant from Inland Foundation. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:52 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Conley, for adoption. Proposal No. 85, 2001 was adopted on the following roll call vote; viz:

25 YEAS: *Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford*

0 NAYS:

3 NOT VOTING: *Horseman, Massie, Short*

1 ABSENT: *Bradford*

Proposal No. 85, 2001 was retitled FISCAL ORDINANCE NO. 18, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Twenty-four Thousand Nine Hundred Seventy-two Dollars (\$24,972) in the County Grants Fund for purposes of the County Auditor and the Cooperative Extension Service 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(dd) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Cooperative Extension Service to provide funds for the CARE (Communities Against Rape) after school project.

SECTION 2. The sum of Twenty-four Thousand Nine Hundred Seventy-two Dollars (\$24,972) 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>COUNTY GRANTS FUND</u> |
| 1. Personal Services - fringes | 1,330 |
| <u>COOPERATIVE EXTENSION SERVICE</u> | |
| 1. Personal Services | 16,622 |
| 2. Supplies | 2,620 |
| 3. Other Services and Charges | 4,400 |
| TOTAL INCREASE | 24,972 |

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

| | |
|---------------------------------|---------------------------|
| | <u>COUNTY GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| County Grants Fund | <u>24,972</u> |
| TOTAL REDUCTION | 24,972 |

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. 94, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 94, 2001 on March 7 and 21, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$52,332 in the 2001 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to fund the additional increase for the County's share for Child Advocates, Inc., funded by fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:54 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 94, 2001 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Horseman, Massie, Schneider, Talley

1 ABSENT: Bradford

Proposal No. 94, 2001 was retitled FISCAL ORDINANCE NO. 19, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Fifty-two Thousand Three Hundred Thirty-two Dollars (\$52,332) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to appropriate the additional increase for the County's share for Child Advocates, Inc.

SECTION 2. The sum of Fifty-two Thousand Three Hundred Thirty-two Dollars (\$52,332) be, and the same is hereby appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| <u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u> | <u>COUNTY GENERAL FUND</u> |
|--|----------------------------|
| 3. Other Services and Charges | <u>52,332</u> |
| TOTAL INCREASE | 52,332 |

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

| | <u>COUNTY GENERAL FUND</u> |
|---------------------------------|----------------------------|
| Unappropriated and Unencumbered | |
| County General Fund | <u>52,332</u> |
| TOTAL REDUCTION | 52,332 |

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

PROPOSAL NO. 132, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 13, 2001 on March 26, 2001. The proposal, sponsored by Councillors Smith and Horseman, approves an increase of \$7,406,370 in the 2001 Budget of the Department of Metropolitan Development, Divisions of Administrative Services, Community Development and Financial Services, and Planning (State Grants, Federal Grants, Consolidated County, and City Cumulative Capital Improvement Funds) to provide affordable and supportive housing opportunities, community development, emergency shelters, brownfield assessment and remediation, a mass transit study, economic development initiatives, an economic/reuse study for the Market Square Arena site, and to make repairs and modifications to the Lower Canal project area, financed by state and federal grants and by transfer of \$62,749 from the Divisions of Administrative Services and Planning (City Cumulative Capital Improvement and Transportation General Funds). By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:59 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Horseman, for adoption. Proposal No. 132, 2001 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Moriarty Adams, Nytes, Sanders, SerVaas, Smith, Soards, Talley, Tilford

1 NAY: Schneider

5 NOT VOTING: Dowden, Gray, Massie, McWhirter, Short

1 ABSENT: Bradford

Proposal No. 132, 2001 was retitled FISCAL ORDINANCE NO. 20, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Seven Million Four Hundred Sixty-nine Thousand One Hundred Nineteen Dollars (\$7,469,119) in the Federal Grants, State Grants, Consolidated County, and City Cumulative Capital Improvement Funds for purposes of the Department of Metropolitan Development, Divisions of Administrative Services, Community Development and Financial Services, and Planning; and reducing the unappropriated and unencumbered balance in the Consolidated County, Federal Grants and State Grants Funds and reducing certain other appropriations in the City Cumulative Capital Improvement Fund for the Division of Administrative Services and in the Transportation General Fund for the Division of Planning.

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(i) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for the purpose of the Department of Metropolitan Development to administer state and federal grants which provide affordable and supportive housing opportunities, community development, emergency shelters, brownfield assessment and remediation, a mass transit study, economic development initiatives, an economic/reuse study for the Market Square Arena site, and to make repairs and modifications to the Lower Canal project area.

SECTION 2. The sum of Seven Million Four Hundred Sixty-nine Thousand One Hundred Nineteen Dollars (\$7,469,119) be, and the same is hereby appropriated and transferred for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| | | |
|---|--|--------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | | |
| <u>DIVISION OF ADMINISTRATIVE SERVICES</u> | | <u>STATE GRANTS FUND</u> |
| 3. Other Services and Charges | | 115,446 |
| TOTAL INCREASE | | 115,446 |

| | | |
|---|--|----------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | | |
| <u>DIVISION OF ADMINISTRATIVE SERVICES</u> | | <u>FEDERAL GRANTS FUND</u> |
| 3. Other Services and Charges | | 225,000 |
| 4. Capital Outlay | | 151,510 |
| TOTAL INCREASE | | 376,510 |

| | | |
|---|--|---|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | | |
| <u>DIVISION OF ADMINISTRATIVE SERVICES</u> | | <u>CITY CUMULATIVE CAPITAL IMPR. FUND</u> |
| 4. Capital Outlay | | 37,877 |
| TOTAL INCREASE | | 37,877 |

| | | |
|--|--|----------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | | |
| <u>DIVISION OF COMMUNITY DEV. AND FINANCIAL SERVICES</u> | | <u>FEDERAL GRANTS FUND</u> |
| 3. Other Services and Charges | | 5,118,692 |
| 4. Capital Outlay | | 1,434,472 |
| TOTAL INCREASE | | 6,553,164 |

| | |
|---|----------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | |
| <u>DIVISION OF PLANNING</u> | <u>FEDERAL GRANTS FUND</u> |
| 3. Other Services and Charges | <u>249,872</u> |
| TOTAL INCREASE | 249,872 |

| | |
|---|---------------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | |
| <u>DIVISION OF PLANNING</u> | <u>CONSOLIDATED COUNTY FUND</u> |
| 3. Other Services and Charges | <u>136,250</u> |
| TOTAL INCREASE | 136,250 |

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

| | |
|---|--------------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | <u>CITY CUMULATIVE CAPITAL</u> |
| <u>DIVISION OF ADMINISTRATIVE SERVICES</u> | <u>IMPR. FUND</u> |
| 3. Other Services and Charges | <u>37,877</u> |
| TOTAL DECREASE | 37,877 |

| | |
|---|------------------------------------|
| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | |
| <u>DIVISION OF PLANNING</u> | <u>TRANSPORTATION GENERAL FUND</u> |
| 3. Other Services and Charges | <u>24,872</u> |
| TOTAL DECREASE | 24,872 |

| | |
|---------------------------------|----------------------------|
| | <u>FEDERAL GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| Federal Grants Fund | <u>7,154,674</u> |
| TOTAL DECREASE | 7,154,674 |

| | |
|---------------------------------|--------------------------|
| | <u>STATE GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| State Grants Fund | <u>115,446</u> |
| TOTAL DECREASE | 115,446 |

| | |
|---------------------------------|---------------------------------|
| | <u>CONSOLIDATED COUNTY FUND</u> |
| Unappropriated and Unencumbered | |
| Consolidated County Fund | <u>136,250</u> |
| TOTAL DECREASE | 136,250 |

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the 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. 133, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 133, 2001 on March 26, 2001. The proposal, sponsored by Councillors Smith, Horseman, and Soards, approves an appropriation of \$327,510 in the 2001 Budget of Department of Metropolitan Development, Permits Division (Consolidated County Fund) to update technology used in the city's permit and inspection processes, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:01 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Soards, for adoption. Proposal No. 133, 2001 was adopted on the following roll call vote; viz:

April 16, 2001

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Short

1 ABSENT: Bradford

Proposal No. 133, 2001 was retitled FISCAL ORDINANCE NO. 21, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) appropriating Three Hundred Twenty-seven Thousand Five Hundred Ten Dollars (\$327,510) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Permits Division, and reducing the unappropriated and unencumbered balance in the Consolidated County 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(i) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Permits Division, to update the technology to improve the city's permit and inspection processes.

SECTION 2. The sum of Three Hundred Twenty-seven Thousand Five Hundred Ten Dollars (\$327,510) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

| <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|---|---------------------------------|
| <u>PERMITS DIVISION</u> | |
| 2. Supplies and Materials | 65,322 |
| 3. Other Services and Charges | 238,188 |
| 4. Capital Outlay | <u>24,000</u> |
| TOTAL INCREASE | 327,510 |

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

| | <u>CONSOLIDATED COUNTY FUND</u> |
|---------------------------------|---------------------------------|
| Unappropriated and Unencumbered | |
| Consolidated County Fund | <u>327,510</u> |
| TOTAL DECREASE | 327,510 |

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

Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 134 and 135, 2001 on March 22, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 134, 2001. The proposal, sponsored by Councillors Soards and Douglas, approves an increase of \$24,975 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to undertake the reforestation of 38 acres of fields and wetlands at Eagle Creek Park, financed by a federal grant. PROPOSAL NO. 135, 2001. The proposal, sponsored by Councillors Soards and Douglas, approves an appropriation of \$120,080 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to provide employment skills

training for youth ages 12 to 17, financed by a federal grant. By a 6-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 9:04 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Soards, for adoption. Proposal Nos. 134 and 135, 2001 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
2 NOT VOTING: Horseman, Short
1 ABSENT: Bradford

Proposal No. 134, 2001 was retitled FISCAL ORDINANCE NO. 22, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) appropriating Twenty Four Thousand Nine Hundred Seventy-five Dollars (\$24,975) in the Federal Grants Fund for purposes of the Department of Parks and Recreation 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 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to undertake the reforestation of 38 acres of fields and wetlands at Eagle Creek Park.

SECTION 2. The sum of Twenty Four Thousand Nine Hundred Seventy-five Dollars (\$24,975) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

| | |
|---|----------------------------|
| <u>DEPARTMENT OF PARKS AND RECREATION</u> | <u>FEDERAL GRANTS FUND</u> |
| 3. Other Services and Charges | <u>24,975</u> |
| TOTAL INCREASE | 24,975 |

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

| | |
|---------------------------------|----------------------------|
| | <u>FEDERAL GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| Federal Grants Fund | <u>24,975</u> |
| TOTAL REDUCTION | 24,975 |

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. 135, 2001 was retitled FISCAL ORDINANCE NO. 23, 2001, and reads as follows:

April 16, 2001

CITY-COUNTY FISCAL ORDINANCE NO. 23, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) appropriating One Hundred Twenty Thousand Eighty Dollars (\$120,080) in the Federal Grants Fund for purposes of the Department of Parks and Recreation 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 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to provide programming and employment skills training for youth ages 12 to 17.

SECTION 2. The sum of One Hundred Twenty Thousand Eighty Dollars (\$120,080) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

| <u>DEPARTMENT OF PARKS AND RECREATION</u> | <u>FEDERAL GRANTS FUND</u> |
|---|----------------------------|
| 3. Other Services and Charges | <u>120,080</u> |
| TOTAL INCREASE | 120,080 |

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

| | <u>FEDERAL GRANTS FUND</u> |
|--|----------------------------|
| Unappropriated and Unencumbered Federal Grants Fund | <u>120,080</u> |
| TOTAL REDUCTION | 120,080 |

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. 136, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 136, 2001 on March 21, 2001. The proposal approves an increase of \$357,665 in the 2001 Budget for the County Sheriff (State and Federal Grants Fund) to reimburse the Sheriff for prior expenses related to housing aliens, funded by state and federal grants (State Criminal Alien Assistance Program; Bureau of Justice Assistance Application Form). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:05 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 136, 2001 was adopted on the following roll call vote; viz:

25 YEAS: *Bainbridge, Black, Boyd, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nyles, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford*
0 NAYS:
3 NOT VOTING: *Borst, Cockrum, Short*
1 ABSENT: *Bradford*

Proposal No. 136, 2001 was retitled FISCAL ORDINANCE NO. 24, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Three Hundred Fifty-seven Thousand Six Hundred Sixty-five Dollars (\$357,665) in the State and Federal Grants Fund for purposes of the County Sheriff 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(y) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff for the purpose of reimbursing the Sheriff for prior expenses related to housing of State Criminal Aliens.

SECTION 2. The sum of Three Hundred Fifty-seven Thousand Six Hundred Sixty-five Dollars (\$357,665) 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 SHERIFF</u> | <u>STATE AND FEDERAL GRANTS FUND</u> |
|-------------------------------|--------------------------------------|
| 3. Other Services and Charges | 357,665 |
| TOTAL INCREASE | 357,665 |

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 | 357,665 |
| TOTAL REDUCTION | 357,665 |

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. 138, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 138, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$3,500 in the 2001 Budget of the Marion County Superior Court, Juvenile Division (County Grants Fund) to pay for conversational Spanish training for 20 staff members, funded by a grant from the Indianapolis Foundation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:08 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 138, 2001 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nyles, Sanders, Schneider, SerVaas, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Borst, Short, Smith

1 ABSENT: Bradford

Proposal No. 138, 2001 was retitled FISCAL ORDINANCE NO. 25, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Three Thousand Five Hundred Dollars (\$3,500) in the County Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, 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(cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to pay for conversational Spanish training for 20 staff members.

SECTION 2. The sum of Three Thousand Five Hundred Dollars (\$3,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| | |
|-------------------------------------|----------------------------------|
| <u>MARION COUNTY SUPERIOR COURT</u> | |
| <u>JUVENILE DIVISION</u> | |
| 2. Supplies | <u>COUNTY GRANTS FUND</u> 166 |
| 3. Other Services and Charges | 3,334 |
| TOTAL INCREASE | 3,500 |

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

| | |
|---------------------------------|---------------------------|
| | <u>COUNTY GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| County Grants Fund | 3,500 |
| TOTAL REDUCTION | 3,500 |

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. 142, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 142, 2001 on March 29, 2001. The proposal, sponsored by Councillors Coughenour and Gray, approves an appropriation of \$442,336 in the 2001 Budget of the Department of Capital Asset Management, Administration and Finance Division (State Grants Fund) which will be passed through to the Indianapolis Public Transportation Corporation for the purchase of a forty-foot transit coach and for additional operating expenses, funded by a grant from the Public Mass Transportation Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:10 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Gray, for adoption. Proposal No. 142, 2001 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, Soards, Talley, Tilford

0 NAYS:

7 NOT VOTING: Black, Borst, Dowden, Nytes, SerVaas, Short, Smith

1 ABSENT: Bradford

Proposal No. 142, 2001 was retitled FISCAL ORDINANCE NO. 26, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) re-appropriating Four Hundred Forty-two Thousand Three Hundred Thirty-six Dollars (\$442,336) in the State Grants Fund for purposes of the Department of Capital Asset Management, Administration and Finance Division, and reducing the unappropriated and unencumbered balance in the State 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(k) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of appropriating additional grant dollars received through the state's Public Mass Transportation Fund (PMTF). These funds will be passed through to the Indianapolis Public Transportation Corporation (IPTC, also known as "IndyGo"), for the purchase of a forty-foot transit coach and for additional operating expenses, reflecting a higher than anticipated operating grant from the PMTF.

SECTION 2. The sum of additional Four Hundred Forty-two Thousand Three Hundred Thirty-six Dollars (\$442,336) 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 CAPITAL ASSET MANAGEMENT</u> | |
| <u>ADMINISTRATION AND FINANCE DIVISION</u> | <u>STATE GRANTS FUND</u> |
| 4. Capital Outlay | 442,336 |
| TOTAL INCREASE | 442,366 |

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

| | |
|---------------------------------|--------------------------|
| | <u>STATE GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| State Grants Fund | 442,336 |
| TOTAL REDUCTION | 442,336 |

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. 143, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 143, 2001 on March 29, 2001. The proposal, sponsored by Councillors Coughenour and Borst, approves a re-appropriation of \$119,047 in the 2001 Budget of the Department of Capital Asset Management (State Grants Fund) to match federal funds for the widening of Harding Street from Raymond Street to Hanna Avenue, financed with funds remaining on a 1998 Build Indiana Grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:12 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 143, 2001 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Soards, Talley, Tilford
0 NAYS:
4 NOT VOTING: Dowden, Gray, Short, Smith
1 ABSENT: Bradford

Proposal No. 143, 2001 was retitled FISCAL ORDINANCE NO. 27, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) re-appropriating One Hundred Nineteen Thousand Forty-seven Dollars (\$119,047) in the State Grants Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the State 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(k) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of re-appropriating funds remaining on a 1998 Build Indiana grant to match federal funds for the widening of Harding Street from Raymond Street to Hanna Avenue.

SECTION 2. The sum of additional One Hundred Nineteen Thousand Forty-seven dollars (\$119,047) 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 CAPITAL ASSET MANAGEMENT</u> | | |
| <u>ASSET MANAGEMENT DIVISION</u> | | <u>STATE GRANTS FUND</u> |
| 4. Capital Outlay | | <u>119,047</u> |
| TOTAL INCREASE | | 119,047 |

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

| | |
|---------------------------------|--------------------------|
| | <u>STATE GRANTS FUND</u> |
| Unappropriated and Unencumbered | |
| State Grants Fund | <u>119,047</u> |
| TOTAL REDUCTION | 119,047 |

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. 145, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 145, 2001 on March 29, 2001. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves a reduction of \$421,885 in the 2001 Budget of the Department of Public Works, Contract Compliance Division (Solid Waste Disposal Fund) to

allow a transfer of those appropriations to the Solid Waste Collection Service District Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:14 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 145, 2001 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
5 NOT VOTING: Black, Dowden, Gray, Schneider, Short
1 ABSENT: Bradford

Proposal No. 145, 2001 was retitled FISCAL ORDINANCE NO. 28, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) reducing appropriations by Four Hundred Twenty One Thousand Eight Hundred Eight-five Dollars (\$421,885) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Contract Compliance Division, and increasing 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(j) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated to reduce the budget in the Solid Waste Disposal Fund to allow a transfer of those appropriations to the Solid Waste Collection Fund, thereby correcting an error in the 2001 budget.

SECTION 2. The sum of Four Hundred Twenty One Thousand Eight Hundred Eight-five Dollars (\$421,885) be, and the same is hereby unappropriated for the purposes as shown in Section 3 by increasing the accounts as shown in Section 4

SECTION 3. The following appropriation is hereby reduced:

| | |
|-------------------------------------|----------------------------------|
| <u>DEPARTMENT OF PUBLIC WORKS</u> | |
| <u>CONTRACT COMPLIANCE DIVISION</u> | <u>SOLID WASTE DISPOSAL FUND</u> |
| 1. Personal Services | 421,885 |
| TOTAL DECREASE | 421,885 |

SECTION 4. The said reduction results in the following increase:

| | |
|---------------------------------|----------------------------------|
| | <u>SOLID WASTE DISPOSAL FUND</u> |
| Unappropriated and Unencumbered | |
| Solid Waste Disposal Fund | 421,885 |
| TOTAL INCREASE | 421,885 |

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 move Proposal No. 144, 2001 next on the agenda. Consent was given.

**SOLID WASTE SPECIAL SERVICE DISTRICT COUNCIL
SPECIAL ORDERS - PUBLIC HEARING**

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

PROPOSAL NO. 144, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 144, 2001 on March 29, 2001. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$421,885 in the 2001 Budget of the Department of Public Works, Contract Compliance Division (Solid Waste Collection Service District Fund) to pay for solid waste contract monitoring, financed by a transfer from the Solid Waste Disposal Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:15 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 144, 2001 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Dowden, Gray, Short
1 ABSENT: Bradford

Proposal No. 144, 2001 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2001, and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2001

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 2001 (Solid Waste Collection Special Service District Fiscal Ordinance No. 3, 2000) increasing the appropriations by Four Hundred Twenty-one Thousand Eight Hundred Eighty-five Dollars (\$421,885) in the Solid Waste Collection Service District Fund for purposes of the Department of Public Works, Contract Compliance Division, and decreasing the unappropriated and unencumbered balance in the Solid Waste Collection Service District Fund.

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 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Contract Compliance Division, to pay for solid waste contract monitoring, financed by a transfer from the Solid Waste Disposal Fund.

SECTION 2. The sum of Four Hundred Twenty-one Thousand Eight Hundred Eighty-five Dollars (\$421,885) be, and the same is hereby appropriated for the purposes as shown in Section 3 by decreasing the unappropriated balances as shown in Section 4.

SECTION 3. The following appropriation is hereby increased:

| | |
|--|---|
| <u>DEPARTMENT OF PUBLIC WORKS</u> <u>CONTRACT COMPLIANCE DIVISION</u> 1. Personal Services TOTAL INCREASE | <u>SOLID WASTE COLLECTION</u> <u>SERVICE DISTRICT FUND</u> 421,885 421,885 |
|--|---|

SECTION 4. The said reduction results in the following decrease:

| | <u>SOLID WASTE COLLECTION</u> <u>SERVICE DISTRICT FUND</u> |
|--|---|
| Unappropriated and Unencumbered | |
| Solid Waste Collection Service District Fund | <u>421,885</u> |
| TOTAL DECREASE | 421,885 |

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

President SerVaas reconvened the City-County Council.

SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 154, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 154, 2001 on April 3, 2001. The proposal, sponsored by Councillors Massie and Boyd, authorizes (i) the issuance and sale of one or more series of notes of the City for the purpose of procuring funds through the Indianapolis Local Public Improvement Bond Bank to provide for the purchase of certain equipment, vehicles and related capital items, including all expenses in connection with or on account of the issuance of notes therefor, and (ii) the appropriation of the amount not to exceed \$7,400,000 for such purposes. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 9:16 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Massie, for adoption. Proposal No. 154, 2001, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nyles, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Gray, Short

1 ABSENT: Bradford

Proposal No. 154, 2001, as amended, was retitled SPECIAL ORDINANCE NO. 2, 2001, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2001

A SPECIAL ORDINANCE of the City of Indianapolis, Indiana (the "City"), and the County of Marion, Indiana (the "County"), authorizing the issuance and sale of one or more series of notes of the City for the purpose of procuring funds to provide for the purchase of certain equipment, vehicles and related capital items, including all expenses in connection with or on account of the issuance of notes therefor, and appropriating the sum of not to exceed Seven Million Four Hundred Thousand Dollars (\$7,400,000) for such purposes.

WHEREAS, various departments, agencies, and boards of the City of Indianapolis, Indiana, from time to time find that it is in the best interest of the City and its citizens to provide for the purchase of certain equipment, vehicles and related capital items; and

WHEREAS, the City has received, and in the future expects to receive, requests from the various departments, agencies, and boards of the City requesting the City to issue and to appropriate the proceeds of notes of the City for the purpose of procuring funds for the costs for certain equipment, vehicles, and related capital items; and

April 16, 2001

WHEREAS, the City is authorized by Indiana Code 36-3-4-22(b) to make loans of money for not more than five years and to issue notes to refund those loans, for the purpose of procuring money to be used in the exercise of the powers of the City; and

WHEREAS, the costs of certain equipment, vehicles, and related capital items described in Appendix I attached hereto, together with substantially similar or related capital items (the "Projects") necessitate a further appropriation, and a request for such appropriation in an amount not to exceed Seven Million Four Hundred Thousand Dollars (\$7,400,000), and all investments earnings thereon, for these purposes has been filed, which request has been approved by the Controller with the recommendation that the total funds necessary to cover the appropriation be obtained by the issuance and sale of one or more series of tax revenue notes of the City; and

WHEREAS, this City-County Council did not include the proceeds of such notes of the City in the regular budget; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the cost of the Projects, and the issuance of one or more series of notes designated "City of Indianapolis Tax Revenue Notes, Series 2001" has been authorized to procure the necessary funds and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Clerk of this City-County Council has caused notice of a hearing on the appropriation to be published as required by law; and

WHEREAS, such public hearing on such appropriation was held at the meeting of this City-County Council on April 16, 2001, at 7:00 p.m. E.S.T., in the Public Assembly Room, on the Second Floor of the City-County Building, Indianapolis, Indiana, at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; and

WHEREAS, Indiana Code 5-1.4 provides that a "qualified entity," which term includes the City, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase one or more series of Notes (as hereinafter defined) in negotiated sales subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that it will be in the best interest of the City to sell each series of Notes to the Bond Bank in a negotiated sale; and

WHEREAS, the City-County Council now finds that the Projects are necessary and will be of general benefit to the City of Indianapolis, Indiana, and its citizens and desires to authorize the issuance of the Notes; now, therefore:

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

SECTION 1. The City shall proceed with the Projects (and any substantially similar or related capital items in an amount not to exceed the contingency set forth in Appendix I hereto), including all expenses in connection with or on account of the issuance of one or more series of notes therefor.

SECTION 2. For the purpose of procuring funds to pay for the Projects, including all expenses in connection with or on account of the issuance of one or more series of notes therefor, the City shall enter into a loan in an amount not to exceed Seven Million Four Hundred Thousand Dollars (\$7,400,000).

In order to procure the funds for such loan, the Controller of the City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell to the Bond Bank one or more series of tax revenue notes of the City, which notes of the City shall be designated as "City of Indianapolis Tax Revenue Notes, Series 2001," in an aggregate principal amount not to exceed Seven Million Four Hundred Thousand Dollars (\$7,400,000) (the "Notes"). The final aggregate principal amount of any series of Notes, together with any outstanding Notes of other series or other outstanding loans of money made by the City pursuant to Indiana Code 36-3-4-22(b), shall not exceed five percent (5%) of the City's total tax levy in the year in which such series of Notes is issued (excluding amounts levied to pay debt service and lease rentals), and shall be certified by the City Controller prior to the sale of such series of Notes. Such certificate shall be conclusive for purposes of establishing the final aggregate principal amount of a series of Notes.

Each series of Notes shall have a final maturity no later than May 1, 2006, in amounts negotiated with the Bond Bank, shall have a net interest cost which does not exceed seven percent (7%) per annum, shall be sold at par or with a discount which does not exceed two percent (2%) of the principal amount thereof, shall be in a form similar in substance and content to the form of the Note attached hereto as Appendix II. Principal of and interest on the Notes shall be payable no less frequently than annually with a final maturity schedule to be certified by the Controller prior to the issuance and sale of any Note. The final maturity schedule shall be structured to provide for approximately level debt service payments on an annual basis.

In accordance with the provisions of Indiana Code 36-3-4-22, the City hereby pledges a sufficient amount of the tax revenues received by the City at any time during the five-year period commencing on the date of issuance of the first series of Notes to the punctual payment of the principal and interest on such series of Notes; provided, however, that the Notes shall not be deemed to be a general obligation of the City payable out of unlimited ad valorem taxes to be levied and collected on all of the taxable property in the City, and the Notes shall contain on their face a statement to such effect.

A series of Notes or a portion thereof may be redeemable prior to maturity upon terms and conditions as are further detailed through negotiation with the Bond Bank by the Controller and the Mayor of the City (the "Mayor") consistent with the best interest of the City and the terms of this Special Ordinance. Notes redeemed in part may be exchanged for a Note or Notes of the same series and maturity in authorized denominations equal to the remaining principal amount.

SECTION 3. The Controller and the Mayor are hereby authorized and directed to sell each series of the Notes to the Bond Bank at a negotiated sale pursuant to a Qualified Entity Purchase Agreement between the City and the Bond Bank (the "Qualified Entity Purchase Agreement") similar in form and substance to the Qualified Entity Purchase Agreement attached hereto as Appendix III. The Qualified Entity Purchase Agreement may set forth the definitive terms and conditions for such sale, but all of such terms and conditions must be consistent with the terms and conditions of this Special Ordinance, including without limitation, the interest rate or rates on the Notes which shall not exceed the maximum authorized rate of interest for the Notes pursuant to this Special Ordinance and the final maturity schedule which shall require payment of principal of and interest on the Notes on a semi-annual basis.

Prior to delivery of the Notes (and as may be necessary thereafter), the Controller shall obtain a legal opinion as to the validity of the Notes and shall furnish such opinion addressed to the Bond Bank. The cost of such opinions shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Notes or the notes issued by the Bond Bank. Each series of Notes shall be accompanied by all documentation required by the Bond Bank pursuant to Indiana Code 5-1.4 and the Qualified Entity Purchase Agreement.

SECTION 4. The City-County Council hereby authorizes and directs the Mayor, the Controller, the Clerk, the Treasurer of the County, ex-officio Treasurer of the City, or any other officer of the City and each of them, for and on behalf of the City, to prepare, execute, and deliver any and all other instruments, letters, certificates, agreements, and documents as the official executing the same determines is necessary or appropriate to effect the pledge of tax revenues and to consummate the transactions contemplated by this Special Ordinance, and such determination shall be conclusively evidenced by the execution thereof.

SECTION 5. The City-County Council hereby approves the form of Note contained herein and the Qualified Entity Purchase Agreement and the Mayor is hereby authorized and directed to execute, and the Controller is hereby authorized and directed to attest and affix the seal of the City to, the Notes and the Qualified Entity Purchase Agreement with such changes and revisions thereto as they deem necessary or appropriate to consummate the transaction contemplated hereby if such changes do not increase the interest rates, principal amount or discount in excess of that authorized in Section 2 or increase the security or revenues pledged in this Special Ordinance, and such execution and attestation shall be conclusive evidence of their approval of such changes and revisions. The Notes and the Qualified Entity Purchase Agreement in the forms executed shall constitute the valid, legal, and binding agreements of the City, the full performance and satisfaction of which by the City is hereby authorized and directed.

SECTION 6. The Mayor is hereby authorized to execute the Notes with his manual or facsimile signature, and the Controller is hereby authorized to attest the Notes with her manual or facsimile signature, and cause the seal of the City to be impressed or a facsimile thereof to be printed on the Notes, all in the form and manner herein provided. Upon the consummation of the sale of each series of the Notes, the Controller and the Treasurer of the County, ex-officio Treasurer of the City, shall be authorized to receive from the Bond Bank the amount to be paid for such series of Notes and deliver the Notes to the Bond Bank in the manner provided by law.

SECTION 7. A registrar and paying agent for the Notes (the "Registrar" and the "Paying Agent" and, in both such capacities, the "Registrar and Paying Agent") shall be appointed by the City Controller. The City

Controller is hereby authorized to formulate and distribute a request for proposals with regard to the services of a Registrar and Paying Agent. The Registrar and Paying Agent is hereby charged with the performance of all duties and responsibilities customarily associated with the position of the Registrar and Paying Agent, including without limitation, the authentication of the Notes. The Mayor and the City Controller are hereby authorized and directed to enter into such agreements or understandings with the appointed Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities, and are authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacities, with such fees to be paid from available funds of the City. The City Controller may determine to serve as the Registrar and Paying Agent.

SECTION 8. The City-County Council hereby authorizes and directs any officers of the City, and each of them, for and on behalf of the City, and hereby authorizes and directs any officers of the County, and each of them, for and on behalf of the county, to take any actions as such officer determines is necessary or appropriate to consummate the transactions contemplated by or to accomplish the purposes of this Special Ordinance, such determination to be conclusively evidenced by such officer's taking of such action.

SECTION 9. The City-County Council may, without the consent of, or notice to, any of the owners of the Notes, adopt a supplemental ordinance for any one or more of the following purposes:

- (a) To cure any ambiguity or formal defect or omission in this Special Ordinance;
- (b) To grant to or confer upon the owners of the Notes any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Notes, or to make any change which, in the judgment of the City-County Council, is not to the prejudice of the owners of the Notes;
- (c) To modify, amend or supplement this Special Ordinance to permit the qualification of the Notes for sale under the securities laws of the United States of America or of any of the states of the United States of America;
- (d) To provide for the refunding or advance refunding of the Notes;
- (e) To procure a rating on the Notes from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Notes; and
- (f) Any other purpose which in the judgment of the City-County Council does not adversely impact the interests of the owners of the Notes.

SECTION 10. This Ordinance, and the rights and obligations of the City and the owners of the Notes may be modified or amended at any time by supplemental ordinances adopted by the City-County Council with the consent of the owners of the Notes holding at least sixty percent (60%) in aggregate principal amount of the outstanding Notes (exclusive of Notes, if any, owned by the City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Notes affected, reduce the principal amount of any Note, reduce the interest rate payable thereon, advance the earliest redemption date, extend its maturity or the times for paying interest thereon, permit a privilege or priority of any Note or Notes over any other Note or Notes, create a lien securing any Notes other than a lien ratably securing all of the Notes outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Notes and shall not be deemed an infringement of any of the provisions of this Ordinance or of the Indiana Code, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the City-County Council or any officer thereof from taking any action pursuant thereto.

If the City-County Council shall desire to obtain any such consent, it shall cause the Registrar and Paying Agent to mail a notice, postage prepaid, to the respective owners of the Notes at their addresses appearing on the registration books held by the Registrar and Paying Agent. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar and Paying Agent for inspection by all owners of the Notes. The Registrar and Paying Agent shall not, however, be subject to any liability to any owners of the Notes by reason of its failure to mail the notice described in this Section 10, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 10

Whenever at any time within one year after the date of the mailing of such notice, the City-County Council shall receive an instrument or instruments purporting to be executed by the owners of the Notes of not less than sixty percent (60%) in aggregate principal amount of the Notes then outstanding (exclusive of Notes, if any, owned by the City), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar and Paying Agent, thereupon, but not otherwise, the City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Notes, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 10, this Ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

SECTION 11. The proceeds derived from the sale of each series of the Notes herein authorized to be issued and all investment earnings thereon shall be, and they hereby are, appropriated by the City-County Council for the purpose of procuring funds to pay for the Projects in accordance with previously approved appropriations of the various departments, agencies, and boards of the City requesting the issuance of the Notes by the City, including all expenses in connection with or on account of the issuance of Notes therefor. Such appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the activities described above. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

SECTION 12. The Clerk of the City-County Council is hereby authorized and directed to certify a copy of this Special Ordinance together with such other proceedings and actions as may be necessary to the Marion County Auditor for certification to the State Board of Tax Commissioners for the purpose of complying with Indiana Code 6-1.1-18-5.

SECTION 13. This Special Ordinance shall rescind and repeal any portions of any special ordinances or general ordinances of the City or County which conflict with the terms hereof if the conflict would have a material adverse impact on the Notes or the security for the Notes.

SECTION 14. This Ordinance 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.

APPENDIX I

| <u>Equipment Type</u> | <u>Estimated Number to be Purchased</u> | <u>Estimated Cost Per Unit</u> | <u>Total Estimated Cost</u> |
|---|---|--|-------------------------------------|
| Auto-Crown Vic-Patrol Vehicle | 69 | \$ 21,991 | \$1,517,379 |
| Auto-Taurus-Det Veh | 6 | 15,631 | 93,787 |
| Auto-Crown Vic-Appointed Vehicles | 11 | 23,339 | 256,726 |
| Auto-2001 Ford Taurus | 21 | 15,631 | 328,251 |
| Bucket Truck-40' Working Height | 2 | 68,919 | 137,838 |
| Hot Box 4 Ton | 4 | 16,538 | 66,152 |
| Lightning Loader | 3 | 118,511 | 355,533 |
| Loader-Front End 2YD-Rubber Tired | 4 | 88,200 | 352,800 |
| Loader-Skid Type & Attachments | 1 | 35,075 | 35,075 |
| Motorcycles | 19 | 14,886 | 282,843 |
| Motorcycle-with Trade-Ins | 15 | 14,886 | 32,246 |
| Packer 18YD | 1 | 96,988 | 96,988 |
| Packer 25YD | 5 | 123,345 | 616,725 |
| Tractor Front Ldr & Cutting Attachments | 1 | 40,000 | 40,000 |
| Tractor JD 5410 & CAB Type | 1 | 29,450 | 29,450 |
| Trailer-Mowing Utility | 1 | 4,364 | 4,364 |
| Trash Loader | 3 | 118,511 | 355,533 |
| Truck-Ford Expedition | 2 | 29,075 | 58,151 |
| Truck-Ford Excursion | 1 | 33,380 | 33,380 |
| Truck-1T CCAB PU | 3 | 28,212 | 84,635 |
| Truck-3/4T Pick Up | 4 | 18,085 | 72,338 |
| Truck-Fire 75' Aerials | 2 | 405,592 | 811,184 |
| Truck-Fire 100' 3 Sec Aerial | 1 | 582,392 | 582,392 |
| Truck-Service | 1 | 75,000 | 75,000 |

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| | | | |
|---------------------------------------|---|---------|-------------|
| Truck-Tandem Dump | 2 | 107,163 | 214,326 |
| Truck-Utility Type IT + 4x4 | 1 | 37,734 | 37,734 |
| Van-Prisoner | 2 | 35,000 | 70,000 |
| Van-Bomb | 1 | 30,000 | 30,000 |
| Van-Animal Control | 8 | 30,000 | 240,000 |
| Van-Parts | 2 | 19,529 | 39,058 |
| Van-Signal Repairs | 2 | 21,837 | 43,674 |
| Van IT w/Bulkhead-Meter Repair | 2 | 21,047 | 42,094 |
| TOTAL ESTIMATED COST OF ALL EQUIPMENT | | | \$7,035,656 |
| Contingency | | | \$ 364,344 |
| TOTAL ESTIMATED COST OF PROJECTS | | | \$7,400,000 |

APPENDIX II

UNITED STATES OF AMERICA

State of Indiana

County of Marion

No. _____

CITY OF INDIANAPOLIS, INDIANA
TAX REVENUE NOTE, SERIES 2001

INITIAL
INTEREST
RATE

ORIGINAL
DATE

AUTHENTICATION
DATE

_____% through
_____, 2001

REGISTERED OWNER: The Indianapolis Local Public Improvement Bond Bank

The City of Indianapolis, Indiana, a consolidated city of the first class duly organized and existing under the laws of the State of Indiana (the "City"), for value received hereby acknowledges itself indebted and promises to pay, but solely from the sources and in the manner herein provided, to the registered owner hereof or registered assigns, the principal amount of up to \$_____, reflecting certain advances to the City set forth on Schedule A hereto, on the maturity dates and in the amounts set forth on Schedule B hereto, and to pay interest on said principal sum to the registered owner of this note until the City's obligation with respect to the payment of said principal sum shall be discharged, at the rate per annum specified on Schedule C hereto, as amended from time to time, from the interest payment date immediately preceding the date of the authentication of this note, unless this note is authenticated on or before _____, in which case interest shall be paid from the original date specified above, or unless this note is authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on the ____ day of _____ and the ____ day of _____ of each year, commencing _____, _____. Interest shall be calculated on the basis of a 365-day or 366-day year, as the case may be. [In the event that the principal of or interest on this note are not paid in full to the registered owner of this note on or before 12:00 noon (Indianapolis time) on the payment date, this note shall thereafter bear interest at the rate of ____% until paid.]

_____ has been designated as the Registrar and Paying Agent (the "Registrar and Paying Agent"). Principal of and interest on this note shall be paid to the registered owner in immediately available funds on or before 12:00 noon on the payment date to the principal corporate trust office of the _____, as Trustee under the Trust Indenture dated as of _____ I, 2001, between the Indianapolis Local Public Improvement Bond Bank and the Trustee. All payments on this note shall be made in any coin or currency of the United States of America which on the dates of such payments shall be legal tender for the payment of public or private debts. Subject to the provisions for registration, this note is negotiable under the laws of the State of Indiana.

[It is understood that the principal hereof shall not be payable and interest hereon shall not accrue until such principal amount has been advanced pursuant to a request made by the City.]

IN ACCORDANCE WITH THE PROVISIONS OF IC 36-3-4-22, THE CITY HEREBY PLEDGES A SUFFICIENT AMOUNT OF THE TAX REVENUES RECEIVED BY THE CITY AT ANY TIME DURING THE FIVE-YEAR PERIOD COMMENCING ON THE DATE OF ORIGINAL

ISSUANCE OF THIS NOTE TO THE PUNCTUAL PAYMENT OF THE PRINCIPAL AND INTEREST ON THIS NOTE; PROVIDED, HOWEVER, THAT THIS NOTE SHALL NOT BE DEEMED TO BE A GENERAL OBLIGATION OF THE CITY OF INDIANAPOLIS, INDIANA, PAYABLE OUT OF UNLIMITED AD VALOREM TAXES TO BE LEVIED AND COLLECTED ON ALL OF THE TAXABLE PROPERTY IN THE CITY OF INDIANAPOLIS, INDIANA.

This note is one of an authorized issue of notes of the City of Indianapolis, Indiana, aggregating up to _____ Dollars (\$ _____), fully registered and numbered consecutively from 01R-1 upwards, issued pursuant to an ordinance adopted by the Common Council of the City on _____, 2001, entitled "Special Ordinance No. _____" (the "Ordinance"), and pursuant to the Indiana Code.

The notes shall be subject to redemption prior to maturity at the option of the City, in whole or in part, upon _____ (_____) days written notice to the registered owner or owners of the notes to be redeemed, on any date, in order of maturity selected by the City and by lot within any maturity or maturities selected by the Registrar and Paying Agent, at a redemption price of one hundred percent (100%) of the principal amount of each note to be redeemed, plus accrued interest to the redemption date.

Official notice of any such redemption shall be sent by registered or certified mail to the registered owner of this note not more than _____ (_____) and not less than _____ (_____) days prior to the date fixed for redemption at the address shown on the registration books of the Registrar and Paying Agent or at such other address as is furnished in writing to the Registrar and Paying Agent, unless such notice is waived by the registered owner; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any such note will not affect the validity of any proceedings for redemption of any other such notes. The place of redemption may be at the principal office of the Registrar and Paying Agent or as otherwise determined by the City. Interest on notes so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption, to pay the redemption price on the redemption date or when presented for payment.

If this note shall have become due and payable in accordance with its terms or this note or a portion hereof shall have been duly called for redemption or irrevocable instructions to call this note or a portion hereof for redemption shall be given and the whole amount of the principal and the premium, if any, and interest so due and payable upon this note or such portion hereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in (ii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, then and in that case this note or such portion hereof shall no longer be deemed outstanding or an indebtedness of the City.

This note is transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar and Paying Agent, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this note together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered note or notes in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The Registrar and Paying Agent shall not be obligated to make any exchange or transfer of this note following the fifteenth day of the month immediately preceding an interest payment date on this note until such interest payment date. The City, the Registrar and the Paying Agent may treat and consider the person in whose name this note is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this note is mutilated, lost, stolen, or destroyed, the City may execute and the Registrar and Paying Agent may authenticate a new note of like date, maturity, and denomination as this note, which new note shall be marked in a manner to distinguish it from this note, provided that, in the case of this note being mutilated, this note shall first be surrendered to the City and the Registrar and Paying Agent, and in the case of this note being lost, stolen or destroyed, there shall first be furnished to the City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event that this note, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate note, the City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay this note without surrender hereof. In such event, the City and the Registrar and Paying Agent may charge the owner of this note with their reasonable fees and expenses in connection with the above. Every substitute note

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issued by reason of this note being lost, stolen or destroyed shall, with respect to this note, constitute a substitute contractual obligation of the City, whether or not this note, being lost, stolen, or destroyed shall be found at any time, and shall be entitled to all the benefits of the ordinance referred to above, equally and proportionately with any and all other notes issued thereunder.

The notes maturing in any one year are issuable only in fully registered form in the denomination of \$1,000 or any integral multiple thereof not exceed the aggregate principal amount of the notes maturing in such year.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and of the owners of the notes, may (with certain exceptions stated in the Ordinance) be modified or amended with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding notes exclusive of notes, if any, owned by the City.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to and in the execution, issuance, and delivery of this note have been done and performed in regular and due form as provided by law, and that this note and said total issue of notes is within every limit of indebtedness provided by the constitution and laws of the State of Indiana.

This note shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar and Paying Agent.

IN WITNESS WHEREOF, the City of Indianapolis, Indiana, by ordinance of its City-County Council, has caused this note to be executed in its corporate name by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Controller, who has caused the official corporate seal of the City to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

CITY OF INDIANAPOLIS, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

City Controller

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within-mentioned ordinance.

_____, as Registrar
and Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (insert name and address) _____ the within note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within note on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within note in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

**SCHEDULE A
(Advances)**

Date of Advance Amount of Advance

**SCHEDULE B
(Maturity Schedule)**

Amount Date

**SCHEDULE C
(Interest Rates)**

Interest Rate From To and Including

APPENDIX III

QUALIFIED ENTITY PURCHASE AGREEMENT

THIS QUALIFIED ENTITY PURCHASE AGREEMENT has been executed as of this ____ day of _____, 2001, by THE INDIANAPOLIS LOCAL PUBLIC IMPROVEMENT BOND BANK (the "Bond Bank"), a body corporate and politic organized under the laws of the State of Indiana, and THE CITY OF INDIANAPOLIS, INDIANA (the "Qualified Entity"), a consolidated city of the first class created pursuant to Indiana Code 36-3-1 and acting pursuant to its powers.

RECITALS

1. The Bond Bank was created by and exists under the provisions of Indiana Code 5-1.4 (the "Act") for the public purposes and for the exercise of powers established and authorized therein, including the power to issue its bonds or notes and to purchase securities of qualified entities, as defined in the Act.
2. The Qualified Entity is a "qualified entity" within the meaning of the Act, lawfully empowered to undertake all transactions and execute all documents mentioned or contemplated herein, including the issuance in accordance with the provisions of Indiana Code 36-3-4-22 of tax revenue notes (the "TRNs").
3. The Bond Bank has established its Tax-Exempt Commercial Paper Notes Program (the "Program") under which the Bond Bank will purchase notes (including TRNs) of qualified entities participating in the Program, and the Bond Bank will issue its Tax-Exempt Commercial Paper Notes (the "Notes"), for the purpose of providing funds to finance the Program.
4. In connection with the issuance of the Notes, the Bond Bank has entered into a Trust Indenture dated as of _____ I, 2001 (the "Indenture"), between the Bond Bank and _____, Indianapolis, Indiana, as Trustee (the "Trustee"), pursuant to which the Notes have been issued and all of the rights of the Bond Bank under this Agreement have been assigned to and assumed by the Trustee to secure the Notes.
5. The Bond Bank and the Qualified Entity desire to set out the terms and conditions governing the purchase of TRNs by the Bond Bank from the Qualified Entity and the making of Advances thereunder.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the Bond Bank and the Qualified Entity hereby agree as follows:

Section 1. Definitions. As used in this Agreement, unless a different meaning is clearly indicated by the context, the following words will have the following definitions:

"Advance" means any payment of funds by the Trustee on behalf of the Bond Bank to the Qualified Entity pursuant to the Bond Bank's purchase of a TRN.

"Agreement" means this Qualified Entity Purchase Agreement between the Bond Bank and the Qualified Entity, as amended or supplemented from time to time.

"Authorized Official" means the duly elected or appointed Mayor, Treasurer, Controller, Clerk, or other designated official of the Qualified Entity or, to the extent permitted by law, an authorized deputy thereof.

["Bank Rate" means the rate of _____% per annum.]

"Business Day" means any day other than a Saturday, a Sunday, a legal holiday, or any other day on which banking institutions in Indiana or New York are authorized by law to close or to remain closed.

"Code" means the Internal Revenue Code of 1986, as amended and in effect on the date of delivery of any TRNs hereunder, and any regulations promulgated or proposed thereunder.

"Fiscal Year" means the first day of January of a calendar year to and including the last day of December of such year.

"Indenture" means the Trust Indenture dated as of _____ 1, 2001, between the Bond Bank and the Trustee, as amended or supplemented from time to time.

"Opinion of Bond Counsel" means a written opinion of a nationally recognized municipal bond or note counsel which is acceptable to the Bond Bank and the Trustee.

"Outstanding" or "outstanding TRN" means the unpaid amount of any TRN purchased by the Bond Bank pursuant to this Agreement and not theretofore paid by the Qualified Entity.

"Trustee" means _____, Indianapolis, Indiana, as Trustee under the Indenture, or any successor trustee thereunder.

"TRN" means a tax revenue note issued by the Qualified Entity pursuant to Indiana Code 36-3-4-22(b) and sold to the Bond Bank in accordance with the provisions of the Indenture and this Agreement.

"TRN Purchase Account" means the TRN Purchase Account established for the Qualified Entity in the TRN Purchase Fund held by the Trustee under the Indenture.

For the purposes of this Agreement, (a) when reference is made to the purchase of TRNs, such reference shall be deemed also to refer to an Advance to the Qualified Entity thereunder from time to time; and (b) references to the due date for payment of TRNs shall include the dates specified in such TRNs required for repayments of Advances made pursuant to such TRN.

Terms defined in the Indenture and not defined in this Agreement shall, for the purposes of this Agreement, have the meanings ascribed to them in the Indenture.

Section 2. Representations.

2.1. Representation by the Bond Bank. The Bond Bank hereby represents and warrants to the Qualified Entity that:

(a) The Bond Bank is a body corporate and politic, separate from the City of Indianapolis in its corporate capacity, established and existing under the Act and has full power and authority to enter into this Agreement and to perform its obligations hereunder;

(b) By all required action, this Agreement and the Indenture and their respective execution and delivery have been duly adopted, authorized, and approved by the Bond Bank in all respects; and

(c) The execution and delivery by the Bond Bank of this Agreement and the performance by the Bond Bank of its obligations hereunder will not violate or result in a breach of any of the terms of, or constitute a default under, the Act, any indenture, mortgage, deed of trust, lease, agreement, or other instrument to which the Bond Bank is a party or by which it is bound.

2.2. Representations of the Qualified Entity. The Qualified Entity hereby represents and warrants to the Bond Bank that:

(a) The Qualified Entity is a duly organized and existing consolidated city of the first class located in Marion County, Indiana, and constitutes a "qualified entity" within the meaning of the Act;

(b) The Qualified Entity has full power and authority to enter into this Agreement and perform its obligations hereunder;

(c) By all required action, the Qualified Entity has duly authorized the execution and delivery of this Agreement;

(d) The execution and delivery of this Agreement by the Qualified Entity and its performance of its obligations hereunder will not conflict with or result in a breach under or constitute a default under any indenture, mortgage, deed of trust, lease, agreement, or other instrument to which the Qualified Entity is a party or by which it is bound;

(e) There is no litigation pending or, to the knowledge of the Qualified Entity, threatened that (i) challenges or questions the validity or binding effect of this Agreement or the authority or ability of the Qualified Entity to execute and deliver this Agreement and perform its obligations hereunder or (ii) would, if adversely determined, have a significant adverse effect on the ability of the Qualified Entity to meet its obligations under this Agreement;

[(f) The Qualified Entity has, during its three most recent Fiscal Years, achieved an ad valorem property tax collection rate of at least 85% of net assessed property taxes;]

(g) All information furnished by the Qualified Entity to the Bond Bank is accurate and complete in all material respects;

[(h) The Qualified Entity has not purchased and will not purchase, pursuant to any arrangement, formal or informal, the Notes in an amount related to the TRNs;]

(i) The Qualified Entity has taken or will take all proceedings required by law to enable it to issue and sell the TRNs to the Bond Bank pursuant to this Agreement; and

(j) In accordance with the provisions of Indiana Code 36-3-4-22(b), the Qualified Entity pledges a sufficient amount of tax revenues received by the Qualified Entity at any time while TRNs are outstanding pursuant to this Agreement to the punctual payment of the principal and interest on the TRNs; provided, however, that the TRNs shall not be deemed to be a general obligation of the City payable out of unlimited ad valorem taxes to be levied and collected on all of the taxable property in the Qualified Entity.

Each of the foregoing representations and warranties will be deemed to have been made by the Qualified Entity as of the date of this Agreement and as of the date of any purchase of or Advance under TRNs made by the Bond Bank hereunder.

Section 3. Obligation of Bond Bank to Purchase TRNs.

3.1. Purchase of TRNs and Advances. So long as the Qualified Entity is not in default in the payment of any TRNs purchased by the Bond Bank pursuant to this Agreement or in the performance of any of its other obligations under this Agreement, the Bond Bank shall purchase a TRN or TRNs tendered by the Qualified Entity and shall make Advances to the Qualified Entity pursuant thereto. The Bond Bank shall make Advances to the Qualified Entity upon receipt by the Trustee from the Qualified Entity of a notice of request for Advance at least [seven] days prior to the date for which such Advance is requested, unless a shorter notice period is expressly agreed to by the Bond Bank; provided, that the outstanding balance of Advances to the Qualified Entity with respect to TRNs issued shall not exceed at any time the amount of TRNs permitted to be issued by the Qualified Entity under Indiana law or the amount of TRNs authorized to be issued by Special Ordinance No. _____ of the City-County Council of the Qualified Entity.

3.2. Terms of Purchase. The purchase price of each TRN or each Advance made hereunder shall be par. The TRNs purchased or Advances made thereunder pursuant to the provisions of Section 3.1 hereof shall bear interest prior to their due date or dates at the rate or rates established by the Bond Bank from time to time, with such rates not to exceed 7% per annum. [To the extent permitted by law and in accordance with Section 3.5 of this Agreement or otherwise by the determination of the Bond Bank, any TRN upon which interest at the stated rate is not paid on or before the interest payment date shall bear interest at the Bank Rate thereafter until paid.] The final maturity schedule for a TRN or an Advance thereunder shall be structured to provide for approximately level debt service payments on an annual basis.

3.3. Method of Payment. The Bond Bank shall make payment for the TRNs purchased by it or Advances made by it pursuant to this Agreement by causing the Trustee to make payment therefor to the Qualified Entity from the TRN Purchase Account established for the Qualified Entity within the TRN Purchase Fund under the Indenture.

3.4. Periodic Statements. At the time of each TRN purchase or Advance, the Bond Bank shall cause the Trustee to prepare and send to the Authorized Official a statement setting forth the outstanding balance of Advances, and the available balance in the Qualified Entity's TRN Purchase Account.

3.5. Payment of TRNs. Prior to each principal or interest payment date, the Trustee will give notice to the Authorized Official that payment is due thereon; provided, that any failure by the Trustee to give such notice shall not relieve the Qualified Entity of its obligation to pay principal of and interest on its TRN, when due. The Qualified Entity agrees to provide for the timely payment of principal of and interest on the TRNs in funds that are received by and available for immediate transfer or investment by the Trustee on or before 12:00 noon, Indianapolis time, on each payment date. [Payments received after 12:00 noon, Indianapolis time, on the payment date will bear interest at the Bank Rate until paid in full.]

3.6. Redemption. The TRNs shall be subject to redemption prior to maturity at the option of the City, in whole or in part, upon _____ () days written notice to the Bond Bank, on any date, in order of maturity selected by the City and by lot within any maturity or maturities selected by the City, at a redemption price of one hundred percent (100%) of the principal amount of each TRN to be redeemed, plus accrued interest to the redemption date.

Section 4. Further Conditions and Limitations.

4.1. Budget and Levy. Prior to the purchase by the Bond Bank of any TRNs, the Qualified Entity shall have filed with the Trustee each of the following:

(a) A certificate, executed by the Authorized Official, stating:

(i) The amount of the total tax levy of the Qualified Entity for the Fiscal Year during which the TRNs are to be issued;

(ii) That the Qualified Entity (A) has duly, regularly, and properly adopted a budget for the then current Fiscal Year setting forth expected revenues and probable expenditures; (B) has complied with all statutory and regulatory requirements with respect to the adoption of such budget; and (C) will expend the proceeds of the TRNs for lawful purposes provided for in the budget;

(iii) That the amount of loans outstanding pursuant to Indiana Code 36-3-4-22(b), including the TRNs, does not exceed 5% of the Qualified Entity's total tax levy in the year in which such TRNs are issued (excluding amounts levied to pay debt service and lease rentals); and

(iv) The amount of the net assessed valuation of the Qualified Entity, the debt limit of the Qualified Entity pursuant to Article XIII, Section 1, of the Constitution of the State of Indiana, and the total outstanding debt of the Qualified Entity, including the TRNs, pursuant to Article XIII, Section 1, of the Constitution of the State of Indiana.

(b) A copy of the resolutions or ordinances of the Qualified Entity authorizing the issuance of such TRNs or Advances thereunder and appropriating and pledging funds for their repayment, certified by an authorized officer of the Qualified Entity, or extracts so certified from the minutes of the meeting of the Qualified Entity at which such resolutions or ordinances were adopted, setting forth such resolutions or ordinances in full.

(c) An Opinion of Bond Counsel, in form and substance acceptable to the Bond Bank and the Trustee, to the effect that the TRNs bear interest that is excludable from gross income under Section 103 of the Code for federal income tax purposes.

(d) A signed copy of the opinion of counsel to the Qualified Entity substantially in the form attached hereto as Exhibit A or a certificate of such counsel to such effect.

(e) A copy of the transcript of proceedings in which the Qualified Entity has authorized the issuance and sale of the TRNs to the Bond Bank.

(f) All other documents reasonably required by bond counsel for the Bond Bank.

4.2. Advances. Prior to receiving each Advance, the Qualified Entity shall furnish to the Trustee a certificate of an Authorized Official of the Qualified Entity to the following effect: that there has been no material adverse change in the matters set forth in the certificate delivered to the Trustee pursuant to Section 4.1 of this Agreement; that the amount outstanding on the TRN does not exceed the amount of TRNs permitted to be issued by the Qualified Entity pursuant to Indiana law or the amount of TRNs authorized to be issued by Special Ordinance No. _____ of the City-County Council of the Qualified Entity; and that funds for repayment of the Advance have been appropriated and pledged.

4.3. Additional Limitation. (a) Notwithstanding any other provision of this Agreement, the aggregate amount of TRNs issued and sold hereunder and any other outstanding TRNs of the Qualified Entity shall not exceed 5% of the tax levy for the Qualified Entity (but not including levies for debt service and lease rentals) for the year in which such TRNs are issued.

(b) Notwithstanding any other provision of this Agreement, the Bond Bank shall not be obligated to purchase any TRN of the Qualified Entity if the Bond Bank is then in default or in violation or breach of any covenant or agreement under the Indenture or if such purchase would cause the Bond Bank to be in default, violation, or breach of any covenant or agreement under the Indenture.

Section 5. Agreements by Qualified Entity.

5.1. Consent by Qualified Entity. The Qualified Entity consents and agrees to the assignment and pledge of TRNs to the Trustee under the provisions of the Indenture to secure the Notes.

5.2. Valid and Binding Obligations. The Qualified Entity shall issue all TRNs to be purchased by the Bond Bank in compliance with the statutes of the State so that such TRNs will be the valid, binding, and enforceable obligations of the Qualified Entity for the payment of the sums set forth therein from the funds pledged to their payment.

5.3. Form of TRNs. The Qualified Entity shall issue TRNs which are to be purchased by the Bond Bank in a form which shall be in compliance with the statutes of the State and substantially in the form attached hereto as Exhibit B.

5.4. Reporting. The Qualified Entity shall file with the Bond Bank on or before _____ of each year that TRNs remain outstanding pursuant to this Agreement its audited annual financial report for the preceding calendar year.

5.5. Tax Covenants. The Qualified Entity hereby covenants that it will not take, or cause or permit to be taken by it or by any party under its control, or fail to take or cause to permit to fail to be taken by it or by any party under its control, any action that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on its TRNs pursuant to Section 103 of the Code. The Qualified Entity further covenants that it will not do any act or thing while any TRN is outstanding that would cause any TRN to be a "private activity bond" within the meaning of Section 141 of the Code or an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto. In furtherance and not in limitation of the foregoing, the Qualified Entity shall take all actions necessary and appropriate to comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable to the Qualified Entity or the TRNs, including without limitation, accounting for and making provision for the payment of any and all amounts that may be required to be paid to the United States of America from time to time pursuant to Section 148 of the Code.

5.6. Remedies of the Bond Bank. The Qualified Entity acknowledges and agrees that, in the event of the Qualified Entity's default on any of its obligations hereunder or under any TRN, the Bond Bank shall have any and all remedies available at law or in equity for the enforcement of such obligation, including without limitation, and subject to the condition that the same shall not affect the validity of the TRNs, the remedies set forth in the Act. The Qualified Entity further covenants and agrees that, in the event that any default on the payment of principal of or interest on a TRN is attributable to or arises from an action or omission by a third party, governmental official, or other entity in failing to pay over taxes to or collected by the Qualified Entity, thereby giving rise to a cause of action in law or at equity against such third party, official, or entity, the Qualified Entity will diligently prosecute such cause of action in its own name or, at the option of the Bond Bank, and to the extent permitted by law, assign to the Bond Bank the right to pursue such cause of action in the name of the Qualified Entity.

5.7. Additional Costs Imposed on the Qualified Entity. The Qualified Entity acknowledges that the Bond Bank is authorized under the Act to collect from qualified entities certain fees and charges for its services and that qualified entities are empowered under the Act to contract for and to pay such fees and charges. The Qualified Entity agrees to pay to the Bond Bank an amount, if any, equal to all costs and

expenses incurred by or on behalf of the Bond Bank from time to time as a result of any failure by the Qualified Entity to comply with any of the provisions of this Agreement.

Section 6. Miscellaneous.

6.1. Effect of Breach. Failure on the part of the Bond Bank in any instance or under any circumstance to observe or perform fully any obligation assumed by or imposed upon the Bond Bank by this Agreement or by law shall not make the Bond Bank liable in damages to the Qualified Entity or relieve the Qualified Entity from paying any TRN or fully performing any other obligation required of it under this Agreement; provided, however, that the Qualified Entity may have and pursue any and all other remedies provided by law for compelling performance by the Bond Bank of such obligation assumed by or imposed upon the Bond Bank.

6.2. Execution of Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be executed by the Bond Bank and by the Qualified Entity, and all of which shall be regarded for all purposes as one original and shall constitute one and the same instrument.

6.3. Severability of Invalid Provisions. If any one or more of the covenants or agreements provided in this Agreement on the part of the Bond Bank or the Qualified Entity to be performed shall be deemed by a court of competent jurisdiction to be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements and shall in no way affect the validity of the other provisions of this Agreement.

6.4. Notices. All notices, filings, and other communications shall be sent by first class mail, postage prepaid, addressed as follows:

To the Bond Bank:

The Indianapolis Local Public Improvement Bond Bank
City-County Building, Room 2421
200 East Washington Street
Indianapolis, Indiana 46204
Attention: Executive Director
Telephone: (317) 327-3664
Fax: (317) 327-3980

To the Qualified Entity:

City of Indianapolis, Indiana
City-County Building, Room 2205
200 East Washington Street
Indianapolis, Indiana 46204
Attention: City Controller
Telephone: (317) 327-4305
Fax: (317) 327-3953

To the Trustee:

Indianapolis, Indiana _____
Attention: Corporate Trust Department
Telephone: (317) _____
Fax: (317) _____

6.5. Expenses. Except to the extent that the Bond Bank has agreed and arranged to pay any or all of such costs, the Qualified Entity covenants and agrees to pay the costs and expenses of providing the necessary certificates, documents, and opinions required to be delivered hereunder, and any and all costs, including attorneys' fees, incurred by the Bond Bank in connection with the enforcement of this Agreement in the event of a breach of or default under this Agreement by the Qualified Entity.

6.6. No Waiver. Any failure by either the Bond Bank or the Qualified Entity to exercise any right or to enforce any provision of this Agreement or of the TRNs, in the event of a breach or default by the other party, shall not be deemed to be a waiver, or to prevent or limit the subsequent exercise, of such right or the enforcement of such provision for the same or any other breach or default unless a written waiver of such right is signed by the party having such right or, in the case of a breach or default, the party to whom the duty is owed.

6.7. Applicable Law. This Agreement shall be construed in accordance with and governed by the applicable laws of the State of Indiana.

6.8. Term. This Agreement shall terminate at such time as the Qualified Entity has fully met and discharged all of its obligations hereunder.

6.9. Entire Agreement. This Agreement constitutes the entire agreement between the Bond Bank and the Qualified Entity with respect to the subject matter herein contained and supersedes any and all other negotiations, understandings, or agreements between the parties, oral or written.

IN WITNESS WHEREOF, the Qualified Entity has caused its seal to be hereunto affixed and attested, and the Bond Bank and the Qualified Entity have caused this Agreement to be signed by their respective duly authorized officers, all as of the day and year first above written.

THE INDIANAPOLIS LOCAL PUBLIC
IMPROVEMENT BOND BANK
("Bond Bank")

By: _____
John J. Dillon, III, Chairman

ATTEST:

Robert J. Clifford, Executive Director

THE CITY OF INDIANAPOLIS, INDIANA
("Qualified Entity")

By: _____
Bart Peterson, Mayor

ATTEST:

Katherine L. Davis, Controller

(SEAL)

AGREEMENT AND ACKNOWLEDGMENT OF TRUSTEE

_____, Indianapolis, Indiana, as Trustee, acting under and pursuant to the Trust Indenture dated as of _____ 1, 2001, between the Bond Bank and the Trustee, acknowledges the execution of this Agreement and accepts and agrees to perform its obligations on behalf of the Bond Bank under this Agreement and the Indenture.

as Trustee

By: _____

Printed: _____

Title: _____

**EXHIBIT A
TO QUALIFIED ENTITY PURCHASE AGREEMENT
FORM OF OPINION OF COUNSEL TO THE QUALIFIED ENTITY**

(i) The Qualified Entity has duly authorized and validly executed and delivered the Qualified Entity Purchase Agreement.

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- (ii) The Qualified Entity Purchase Agreement constitutes a valid and binding agreement of the Qualified Entity, enforceable in accordance with its terms, subject to applicable provisions of bankruptcy laws, insolvency laws, and laws affecting creditors' rights.
- (iii) The TRNs have been duly authorized and validly executed and delivered by the Qualified Entity and constitute valid and binding agreements of the Qualified Entity, enforceable in accordance with their terms, subject to bankruptcy laws, insolvency laws, and laws affecting creditors' rights.
- (iv) There is not pending or, to the best of counsel's knowledge, threatened any action, suit, proceeding, or investigation before any court or other public agency contesting the validity, legality, or binding effect of the Agreement or the TRNs.

**EXHIBIT B
TO QUALIFIED ENTITY PURCHASE AGREEMENT**

UNITED STATES OF AMERICA

State of Indiana

County of Marion

No. _____

CITY OF INDIANAPOLIS, INDIANA
TAX REVENUE NOTE, SERIES 2001

INITIAL
INTEREST
RATE

ORIGINAL
DATE

AUTHENTICATION
DATE

_____% through
_____, 2001

REGISTERED OWNER: The Indianapolis Local Public Improvement Bond Bank

The City of Indianapolis, Indiana, a consolidated city of the first class duly organized and existing under the laws of the State of Indiana (the "City"), for value received hereby acknowledges itself indebted and promises to pay, but solely from the sources and in the manner herein provided, to the registered owner hereof or registered assigns, the principal amount of up to \$_____, reflecting certain advances to the City set forth on Schedule A hereto, on the maturity dates and in the amounts set forth on Schedule B hereto, and to pay interest on said principal sum to the registered owner of this note until the City's obligation with respect to the payment of said principal sum shall be discharged, at the rate per annum specified on Schedule C hereto, as amended from time to time, from the interest payment date immediately preceding the date of the authentication of this note, unless this note is authenticated on or before _____, in which case interest shall be paid from the original date specified above, or unless this note is authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on the ____ day of _____ and the ____ day of _____ of each year, commencing _____, _____. Interest shall be calculated on the basis of a 365-day or 366-day year, as the case may be. [In the event that the principal of or interest on this note are not paid in full to the registered owner of this note on or before 12:00 noon (Indianapolis time) on the payment date, this note shall thereafter bear interest at the rate of ____% until paid.]

_____ has been designated as the Registrar and Paying Agent (the "Registrar and Paying Agent"). Principal of and interest on this note shall be paid to the registered owner in immediately available funds on or before 12:00 noon on the payment date to the principal corporate trust office of the _____, as Trustee under the Trust Indenture dated as of _____ 1, 2001, between the Indianapolis Local Public Improvement Bond Bank and the Trustee. All payments on this note shall be made in any coin or currency of the United States of America which on the dates of such payments shall be legal tender for the payment of public or private debts. Subject to the provisions for registration, this note is negotiable under the laws of the State of Indiana.

[It is understood that the principal hereof shall not be payable and interest hereon shall not accrue until such principal amount has been advanced pursuant to a request made by the City.]

IN ACCORDANCE WITH THE PROVISIONS OF IC 36-3-4-22, THE CITY HEREBY PLEDGES A SUFFICIENT AMOUNT OF THE TAX REVENUES RECEIVED BY THE CITY AT ANY TIME DURING THE FIVE-YEAR PERIOD COMMENCING ON THE DATE OF ORIGINAL ISSUANCE OF

THIS NOTE TO THE PUNCTUAL PAYMENT OF THE PRINCIPAL AND INTEREST ON THIS NOTE; PROVIDED, HOWEVER, THAT THIS NOTE SHALL NOT BE DEEMED TO BE A GENERAL OBLIGATION OF THE CITY OF INDIANAPOLIS, INDIANA, PAYABLE OUT OF UNLIMITED AD VALOREM TAXES TO BE LEVIED AND COLLECTED ON ALL OF THE TAXABLE PROPERTY IN THE CITY OF INDIANAPOLIS, INDIANA.

This note is one of an authorized issue of notes of the City of Indianapolis, Indiana, aggregating up to _____ Dollars (\$ _____), fully registered and numbered consecutively from 01R-1 upwards, issued pursuant to an ordinance adopted by the Common Council of the City on _____, 2001, entitled "Special Ordinance No. _____" (the "Ordinance") and pursuant to the Indiana Code.

The notes shall be subject to redemption prior to maturity at the option of the City, in whole or in part, upon _____ (____) days written notice to the registered owner or owners of the notes to be redeemed, on any date, in order of maturity selected by the City and by lot within any maturity or maturities selected by the Registrar and Paying Agent, at a redemption price of one hundred percent (100%) of the principal amount of each note to be redeemed, plus accrued interest to the redemption date.

Official notice of any such redemption shall be sent by registered or certified mail to the registered owner of this note not more than _____ (____) and not less than _____ (____) days prior to the date fixed for redemption at the address shown on the registration books of the Registrar and Paying Agent or at such other address as is furnished in writing to the Registrar and Paying Agent, unless such notice is waived by the registered owner; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any such note will not affect the validity of any proceedings for redemption of any other such notes. The place of redemption may be at the principal office of the Registrar and Paying Agent or as otherwise determined by the City. Interest on notes so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption, to pay the redemption price on the redemption date or when presented for payment.

If this note shall have become due and payable in accordance with its terms or this note or a portion hereof shall have been duly called for redemption or irrevocable instructions to call this note or a portion hereof for redemption shall be given and the whole amount of the principal and the premium, if any, and interest so due and payable upon this note or such portion hereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in (ii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, then and in that case this note or such portion hereof shall no longer be deemed outstanding or an indebtedness of the City.

This note is transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar and Paying Agent, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this note together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered note or notes in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The Registrar and Paying Agent shall not be obligated to make any exchange or transfer of this note following the fifteenth day of the month immediately preceding an interest payment date on this note until such interest payment date. The City, the Registrar and the Paying Agent may treat and consider the person in whose name this note is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this note is mutilated, lost, stolen, or destroyed, the City may execute and the Registrar and Paying Agent may authenticate a new note of like date, maturity, and denomination as this note, which new note shall be marked in a manner to distinguish it from this note, provided that, in the case of this note being mutilated, this note shall first be surrendered to the City and the Registrar and Paying Agent, and in the case of this note being lost, stolen or destroyed, there shall first be furnished to the City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event that this note, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate note, the City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay this note without surrender hereof. In such event, the City and the Registrar and Paying Agent may charge the owner of this note with their reasonable fees and expenses in connection with the above. Every substitute note issued by reason of this note being lost, stolen or destroyed shall, with respect to this note, constitute a substitute contractual obligation of the City, whether or not this

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note, being lost, stolen, or destroyed shall be found at any time, and shall be entitled to all the benefits of the ordinance referred to above, equally and proportionately with any and all other notes issued thereunder.

The notes maturing in any one year are issuable only in fully registered form in the denomination of \$1,000 or any integral multiple thereof not exceed the aggregate principal amount of the notes maturing in such year.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and of the owners of the notes, may (with certain exceptions stated in the Ordinance) be modified or amended with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding notes exclusive of notes, if any, owned by the City.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to and in the execution, issuance, and delivery of this note have been done and performed in regular and due form as provided by law, and that this note and said total issue of notes is within every limit of indebtedness provided by the constitution and laws of the State of Indiana.

This note shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar and Paying Agent.

IN WITNESS WHEREOF, the City of Indianapolis, Indiana, by ordinance of its City-County Council, has caused this note to be executed in its corporate name by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Controller, who has caused the official corporate seal of the City to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

CITY OF INDIANAPOLIS, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

City Controller

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within-mentioned ordinance.

as Registrar
and Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (insert name and address) the within note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within note on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within note in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

SCHEDULE A
(Advances)

Date of Advance

Amount of Advance

SCHEDULE B
(Maturity Schedule)

Amount

Date

SCHEDULE C
(Interest Rates)

Interest Rate

From

To and Including

PROPOSAL NO. 155, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 155, 2001 on April 3, 2001. The proposal, sponsored by Councillors Schneider and Sanders, authorizes the City to refund the 1992 and 1996 Transportation Revenue Bond issues, finance certain street, road, curb and sidewalk improvements, and to issue up to \$39,000,000 City of Indianapolis, Indiana Transportation Refunding and Improvement Revenue Bonds, Series 2001 and approves and authorizes other actions in respect thereto. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Schneider, for adoption. Proposal No. 155, 2001 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Gray, Talley

1 ABSENT: Bradford

Proposal No. 155, 2001 was retitled SPECIAL ORDINANCE NO. 3, 2001, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2001

A PROPOSAL FOR A SPECIAL ORDINANCE authorizing the City of Indianapolis, Indiana (the "City") to refund certain bond issues, finance certain street, road, curb and sidewalk improvements and to issue up to Thirty-Nine Million Dollars (\$39,000,000) City of Indianapolis, Indiana Transportation Refunding and Improvement Revenue Bonds, Series 2001 and approving and authorizing other actions in respect thereto.

WHEREAS, the City issued its Transportation Revenue Bonds, Series 1992 (the "1992 Bonds") on December 16, 1992 for the construction, reconstruction and repair of streets, roads, curbs and sidewalks located within the City; and

WHEREAS, the City issued its Transportation Revenue Bonds, Series 1996 (the "1996 Bonds") on July 25, 1996 to provide funds for road improvements as encompassed in the 96th Street/Castleton Economic Development Area ("Area") Plan adopted by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "MDC"); and

WHEREAS, IC 5-1-5 authorizes the City to issue refunding bonds and to pay redemption premiums and costs of refunding to effect a savings or modify restrictive covenants; and

WHEREAS, the City has determined that the refunding of the 1992 Bonds and the 1996 Bonds will effect a savings and modify restrictive covenants; and

WHEREAS, the MDC is considering issuing redevelopment district tax increment revenue bonds in an aggregate principal amount not to exceed \$16,000,000 ("MDC Bonds") to advance refund the 1996 Bonds, to pay costs of issuance and, if necessary, fund a debt service reserve, and the MDC Bonds will

be payable from property tax revenues collected on the incremental assessed value of real property in the Area; and

WHEREAS, IC 36-3-5-8 requires the City-County Council to approve the issuance of bonds by any special taxing district of the City; and

WHEREAS, the City desires to provide for additional construction, reconstruction and repair of streets, roads, curbs and sidewalks identified in the Metropolitan Thoroughfare Plan and certain highways, arterial streets and local streets within the City's jurisdiction (the "Project") by issuing bonds pursuant to IC 36-3-4-21; and

WHEREAS, the City desires to issue its bonds, pursuant to IC 5-1-5 and IC 36-3-4-21, in an amount not to exceed Thirty-Nine Million Dollars (\$39,000,000) City of Indianapolis, Indiana Transportation Refunding and Improvement Revenue Bonds, Series 2001 (the "Bonds") to refund the 1992 Bonds, pay for the Project, pay for costs of issuance and, if necessary, fund a debt service reserve; and

WHEREAS, IC 6-3.5-4 permits the City-County Council to appropriate money derived from the annual license excise surtax to a department of transportation and pursuant to IC 36-3-4-23, the City is authorized to appropriate these monies to its Department of Capital Asset Management; and

WHEREAS, IC 6-3.5-5 permits the City-County Council to appropriate money derived from the wheel tax to a department of transportation and pursuant to IC 36-3-4-23, the City is authorized to appropriate these monies to its Department of Capital Asset Management; and

WHEREAS, IC 5-1-14, as amended and in effect on the date of issue of the Bonds, authorizes the City to pledge certain revenues, including the taxes under IC 6-3.5-4 and IC 6-3.5-5, to pay debt service on or secure any obligations of the City if (i) the City has the necessary statutory authority to issue the obligations for any project or purpose for which the pledge is made; (ii) the revenues, money or property is legally available, under federal, state and local laws, to pay or secure debt service, and (iii) the pledge does not purport to create an obligation in violation of any statutory or constitutional limitation to which the City is subject; and

WHEREAS, IC 8-14-1 and 8-14-2, as amended and in effect on the date of issue of the Bonds, authorize the City to pledge certain motor vehicle and highway revenues to pay principal and interest on bonds sold primarily to finance road, street or thoroughfare projects (funds pledged pursuant to IC 5-1-14, IC 6-3.5-4, IC 6-3.5-5, IC 8-14-1 and IC 8-14-2 are collectively referred to herein as the "Pledged Revenues"); and

WHEREAS, the City desires to pledge the Pledged Revenues to secure the Bonds; and

WHEREAS, the total indebtedness of the City including the amount of the Bonds, assuming all such indebtedness constitutes debt in the constitutional sense under the Indiana Constitution, does not exceed any constitutional or statutory limitations on indebtedness and the net assessed valuation of taxable property in the City, as shown by the last complete and final assessment for state and county taxes, is \$8,526,915,531; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the City, may issue and sell its bonds to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that it will be in the best interest of the City to sell the Bonds to the Bond Bank in a negotiated sale; now, therefore:

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

SECTION 1. The City shall issue its Bonds in one or more series and in the principal amounts not to exceed Thirty-Nine Million Dollars (\$39,000,000) to refund the 1992 Bonds, to pay for the Project, to pay costs of issuance and, if necessary, fund a debt service reserve.

SECTION 2. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Bond Bank pursuant to IC 5-1.4 at a price not less than ninety-nine percent (99%) of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate or rates of interest not to exceed five percent (5%) per annum. The Bonds will mature no later than 10 years from their date of issuance.

SECTION 3. Interest and principal payments on the Bonds shall be made either annually or semiannually and the Bonds shall be subject to redemption no sooner than seven (7) years from their date of issuance at a premium not to exceed one percent (1%).

SECTION 4. The Bonds shall be secured by a trust indenture between the City and a trustee to be selected with terms consistent with this Ordinance (the "Indenture") and the pledge of the Pledged Revenues shall be contained therein.

SECTION 5. The City-County Council finds that the issuance, sale and delivery of the Bonds and the MDC Bonds will effect a net savings to the City and modify restrictive covenants.

SECTION 6. The City-County Council hereby finds that the total indebtedness of the City, including the amount of the Bonds, assuming all such indebtedness constitutes debt in the constitutional sense under the Indiana Constitution, does not exceed any constitutional or statutory limitations on indebtedness and the net assessed valuation of taxable property in the City, as shown by the last complete and final assessment for state and county taxes, is \$8,526,915,531.

SECTION 7. The Mayor and City Clerk are authorized to execute a purchase agreement with the Bond Bank upon successful negotiation of the terms of the sale of the Bonds, provided that such terms fit within the parameters set forth above.

SECTION 8. The Mayor and City Clerk are authorized and directed, upon advice of counsel, to execute the Indenture and any other documents necessary to accomplish the refunding of the 1992 Bonds, the financing of the Project and the issuance of the Bonds.

SECTION 9. The City-County Council hereby approves the issuance of the MDC Bonds consistent with this Ordinance and the sale of the MDC Bonds to the Bond Bank.

SECTION 10. This Special Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 156, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 156, 2001 on April 3, 2001. The proposal, sponsored by Councillors Schneider and Sanders, appropriates the proceeds of the City of Indianapolis ("City") Transportation Refunding and Improvement Revenue Bonds, Series 2001 ("Bonds"), in an amount not to exceed \$39,000,000. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 9:18 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Sanders, for adoption. Proposal No. 156, 2001, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford
0 NAYS:
2 NOT VOTING: Gray, Talley
1 ABSENT: Bradford

Proposal No. 156, 2001, as amended, was retitled FISCAL ORDINANCE NO. 29, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2001

A PROPOSAL FOR A FISCAL ORDINANCE appropriating the proceeds of the City of Indianapolis ("City") Transportation Refunding and Improvement Revenue Bonds, Series 2001 ("Bonds").

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana ("Council") has determined to issue bonds to provide for the cost of refunding the City's outstanding

Transportation Revenue Bonds, Series 1992 ("Refunded Bonds"), the costs of certain street, road, curb and sidewalk projects and the incidental expenses in connection therewith and on account of the issuance of the Bonds; and

WHEREAS, a notice of a public hearing on the appropriation of the proceeds of the Bonds in an amount not to exceed Thirty-nine Million Dollars (\$39,000,000) plus investment earnings to be issued for the purpose of procuring funds to be applied on the cost of the advance refunding of the Refunded Bonds, the costs of certain street, road, curb and sidewalk projects and the incidental expenses to be incurred in connection therewith and with the issuance and sale of the Bonds was properly published in two newspapers published in the City and the proofs of publication were presented to the Council and placed in the Council's records; now, therefore:

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

SECTION 1. An appropriation in an amount not to exceed Thirty-nine Million Dollars (\$39,000,000) plus investment earnings is hereby made to be applied on the costs of the advance refunding of the Refunded Bonds, the costs of certain street, road, curb and sidewalk projects and the incidental expenses incurred in connection therewith and on account of the issuance of Bonds therefor, and that the funds to meet this appropriation be provided out of the proceeds of the Bonds and investment earnings; that this appropriation be in addition to all other appropriations provided for in the existing budget and tax levy for the current year.

SECTION 2. The Controller is hereby authorized and directed to report and certify the additional appropriation to the State Board of Tax Commissioners.

SECTION 3. Any proceeds of the Bonds in excess of the funds needed to refund the Refunded Bonds and pay the issuance costs of the Bonds shall be subject to appropriation by the City-County Council of the City of Indianapolis.

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 157 and 158, 2001 on March 21, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 157, 2001. The proposal appropriates in the 2001 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division, \$18,400 for Juvenile Accountability Incentive Block Grant #1 and a transfer of \$77,496 to fund programs approved by the Juvenile Crime Enforcement Coalition. PROPOSAL NO. 158, 2001. The proposal appropriates in the 2001 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division, \$95,639 for Juvenile Accountability Incentive Block Grant #2 and a transfer of \$135,443 to fund programs approved by the Juvenile Crime Enforcement Coalition. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 9:21 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 157 and 158, 2001 were adopted on the following roll call vote; viz:

26 YEAS: *Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford*

0 NAYS:

2 NOT VOTING: *Gray, Sanders*

1 ABSENT: *Bradford*

Proposal No. 157, 2001 was retitled FISCAL ORDINANCE NO. 30, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Eighteen Thousand Four Hundred (\$18,400) in the State and Federal Grants Fund and transferring and appropriating an additional Seventy-seven Thousand Four Hundred Ninety-six Dollars (\$77,496) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund, and reducing certain other appropriations for that court.

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.cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of appropriating in the 2001 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division, \$18,400 for Juvenile Accountability Incentive Block Grant #1 and a transfer of \$77,496 to fund programs approved by the Juvenile Crime Enforcement Coalition.

SECTION 2. The sum of Ninety-five Thousand Eight Hundred Ninety-six Dollars (\$95,896) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| <u>MARION COUNTY SUPERIOR COURT</u> | <u>STATE AND FEDERAL GRANTS FUND</u> |
|-------------------------------------|--------------------------------------|
| <u>JUVENILE DIVISION</u> | |
| 3. Other Services and Charges | 95,896 |
| TOTAL INCREASE | 95,896 |

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

| <u>COUNTY AUDITOR</u> | <u>STATE AND FEDERAL GRANTS FUND</u> |
|--|--------------------------------------|
| 1. Personal Services - fringes | 5,922 |
| <u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u> | |
| 1. Personal Services | 44,250 |
| 2. Supplies | 26,955 |
| 4. Capital Outlay | 369 |
| Unappropriated and Unencumbered State and Federal Grants Fund | 18,400 |
| TOTAL REDUCTION | 95,896 |

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. 158, 2001 was retitled FISCAL ORDINANCE NO. 31, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Ninety-five Thousand Six Hundred Thirty-nine Dollars (\$95,639) in the State and Federal Grants Fund and transferring and appropriating an additional One Hundred Thirty-five Thousand Four Hundred Forty-three Dollars (\$135,443) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund, and reducing certain other appropriations for that court.

April 16, 2001

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.cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of appropriating in the 2001 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division, \$95,639 for Juvenile Accountability Incentive Block Grant #2 and a transfer of \$135,443 to fund programs approved by the Juvenile Crime Enforcement Coalition.

SECTION 2. The sum of Two Hundred Thirty-one Thousand Eighty-two Dollars (\$231,082) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts 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 | 29,145 |
| <u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u> | |
| 1. Personal Services | 138,743 |
| 2. Supplies | 8,494 |
| 4. Capital Outlay | <u>54,700</u> |
| TOTAL INCREASE | 231,082 |

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

| <u>MARION COUNTY SUPERIOR COURT JUVENILE DIVISION</u> | <u>STATE AND FEDERAL GRANTS FUND</u> |
|--|--------------------------------------|
| 3. Other Services and Charges | 135,443 |
| Unappropriated and Unencumbered State and Federal Grants Fund | <u>95,639</u> |
| TOTAL REDUCTION | 231,082 |

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

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 87, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 87, 2001 on March 26, 2001. The proposal approves a transfer of \$5,000 in the 2001 Budgets of the County Auditor and County Surveyor (County General Fund) to pay for the preparation for fly-over aerial photography for IMAGIS. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 87, 2001 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Black, Gray, Moriarty Adams
1 ABSENT: Bradford

Proposal No. 87, 2001 was retitled FISCAL ORDINANCE NO. 32, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Five Thousand Dollars (\$5,000) in the County General Fund for purposes of the County Auditor and the County Surveyor and reducing certain other appropriations for the County Surveyor.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,j) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Surveyor to pay for the preparation for fly-over aerial photography for IMAGIS.

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

SECTION 3. The following increased appropriation is hereby approved:

| <u>COUNTY AUDITOR</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services- fringes | 1,000 |
| | |
| <u>COUNTY SURVEYOR</u> | |
| 1. Personal Services | 4,000 |
| TOTAL INCREASE | 5,000 |

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

| <u>COUNTY SURVEYOR</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 3. Other Services and Charges | 5,000 |
| TOTAL DECREASE | 5,000 |

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

PROPOSAL NO. 88, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 88, 2001 on March 26, 2001. The proposal, sponsored by Councillors Smith and Horseman, establishes the electronic zoning map as the official zoning map for all zoning districts within Marion County (2001-AO-1). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Horseman, for adoption. Proposal No. 88, 2001 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford
0 NAYS:
4 NOT VOTING: Douglas, Moriarty Adams, Short, Talley
1 ABSENT: Bradford

Proposal No. 88, 2001 was retitled GENERAL ORDINANCE NO. 31, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to establish the electronic zoning map as the official zoning map for all zoning districts within Marion County.

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

SECTION 1. Section 731-100 of the "Revised Code of the Consolidated City and County," regarding the establishment of dwelling zoning districts, 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. 731-100. Establishment of official zoning map; establishment of dwelling zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of dwelling zoning districts. The following primary dwelling zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the ~~applicable zoning maps~~ official zoning map by the following zoning district symbols, respectively (~~which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance~~):

Dwelling Zoning Districts

| <i>District</i> | <i>Symbol</i> |
|-----------------------------------|---------------|
| Dwelling agriculture district | D-A |
| Dwelling suburban district | D-S |
| Dwelling district one | D-1 |
| Dwelling district two | D-2 |
| Dwelling district three | D-3 |
| Dwelling district four | D-4 |
| Dwelling district five | D-5 |
| Dwelling district five-two | D-5II |
| Dwelling district six | D-6 |
| Dwelling district six-two | D-6II |
| Dwelling district seven | D-7 |
| Dwelling district eight | D-8 |
| Dwelling district nine | D-9 |
| Dwelling district ten | D-10 |
| Dwelling district eleven | D-11 |
| Dwelling district twelve | D-12 |
| Planned unit development district | D-P |

SECTION 2. Section 732-100 of the "Revised Code of the Consolidated City and County," regarding establishment of commercial zoning districts, 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. 732-100. Establishment of official zoning map; establishment of commercial zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.

- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of primary commercial zoning districts. The following primary commercial zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the applicable zoning maps official zoning map by the following zoning district symbols, respectively ~~(which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):~~

| <i>Title</i> | <i>Symbol</i> |
|--|---------------|
| Office-Buffer District | C-1 |
| High Intensity Office-Apartment District | C-2 |
| Neighborhood Commercial District | C-3 |
| Corridor Commercial District | C-3C |
| Community-Regional Commercial District | C-4 |
| General Commercial District | C-5 |
| Thoroughfare Service District | C-6 |
| High Intensity Commercial District | C-7 |
| Commercial-Industrial District | C-1D |
| Special Commercial District | C-S |

SECTION 3. Section 733-100 of the "Revised Code of the Consolidated City and County," regarding establishment of industrial zoning districts, 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. 733-100. Establishment of official zoning map; establishment of industrial zoning districts.

- (a) Establishment of the official zoning map.
 - (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
 - (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
 - (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
 - (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of primary industrial zoning districts. The following primary industrial zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the applicable zoning maps official zoning map by the following zoning district symbols, respectively; ~~(which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):~~

Industrial Zoning District

| <i>District</i> | <i>Symbol</i> |
|--------------------------------|---------------|
| Restricted Industrial Suburban | I-1-S |
| Light Industrial Suburban | I-2-S |
| Medium Industrial Suburban | I-3-S |
| Heavy Industrial Suburban | I-4-S |
| Restricted Industrial Urban | I-1-U |
| Light Industrial Urban | I-2-U |
| Medium Industrial Urban | I-3-U |
| Heavy Industrial Urban | I-4-U |

SECTION 4. Section 735-101 of the "Revised Code of the Consolidated City and County," regarding airport special use zoning districts, 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. 735-100. Establishment of official zoning map; establishment of Airport Special Use District.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) An Airport Special Use District is hereby established as a ~~which~~ primary zoning district, and shall permit the following uses:

Public airports municipally owned or operated, including all necessary navigation and flight operation facilities, and accessory uses including, but not limited to, terminal, storage and servicing facilities for airplanes or other aircraft, air research laboratories and other accessory uses directly related to the operation of such airport and an integral part thereof, including but not limited to, transportation, restaurant, hotel or motel facilities and similar related services for the comfort and accommodation of air passengers and the public, subject to the requirements of section 735-101.

SECTION 5. Sections 735-102 through 735-105 of the "Revised Code of the Consolidated City and County," inclusive, regarding airport zoning districts, hereby are 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. 735-102. ~~Zoning maps~~ Airport special use district designation.

All land within ~~such district~~ the airport special use district shall be designated upon the ~~applicable zoning maps (adopted as a part of the zoning ordinances and Ordinance No. 8-1957)~~ official zoning map by the symbol "A" superimposed in the approximate geographic center of such district, the boundaries of which district to be designated and outlined.

Sec. 735-103. Establishment of Airspace district.

An airspace district, a secondary zoning district, is hereby established for Marion County, Indiana, and land within Marion County, Indiana, as designated on the ~~airspace district zoning base maps (which maps are attached hereto, incorporated herein and made a part of this article following section 735-105)~~ official zoning map, is hereby zoned and classified as the airspace district. The airspace district shall consist of airport instrument and noninstrument approach surface areas, airport transitional surface areas, airport horizontal surface areas and conical surface areas, heliport approach surface areas and heliport

transitional surface areas as defined in section 735-105 and indicated on the ~~airspace district zoning base maps~~ official zoning map.

Sec. 735-104. Airspace district regulations.

The following regulations shall apply to all land within the airspace district. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to such land; in case of conflict, the more restrictive regulations shall control.

(a) *Use.*

- (1) *Prohibited uses-airport.* Within that part of the airport instrument and airport noninstrument approach surface areas and airport transitional surface areas of the ~~airspace district~~ official zoning map, which extend within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended center line of such runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.
- (2) *Prohibited uses-heliport.* Within that part of the heliport surface areas and heliport transitional surface areas of the airspace district, as defined in section 735-105 and designated on the ~~airspace district~~ official zoning map, which extend four thousand (4,000) feet from the designated landing and takeoff area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

(b) *Height limits-airports.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the airspace district to a height in excess of the following height limits herein established for the applicable airport instrument approach surface area, airport noninstrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area, as defined in section 735-105 and designated on the ~~airspace district~~ official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the ~~airspace district~~ official zoning map).

- (1) *Height limits for the airport instrument approach surface area shall be:* One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
- (2) *Height limits for the airport noninstrument approach surface area shall be:* One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the noninstrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.
- (3) *Height limits for the airport transitional surface area shall be:* One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the center line of noninstrument runways, measured at right angles to the longitudinal center line of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the ~~airspace district~~ official zoning map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all instrument and noninstrument approach surface areas for the entire length of such approach surface areas, extending to their intersection with the outer line of the conical surface area; and, beyond such points of intersection, beginning at the outer lines of all instrument approach surface areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway center line, one (1) foot vertical height for each seven (7) feet of horizontal distance.
- (4) *Height limit for the airport horizontal surface area shall be:* One hundred fifty (150) feet above the established airport elevation as indicated on the ~~airspace district~~ official zoning map.

- (5) *Height limit for the airport conical surface area shall be:* One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal surface area and measured perpendicularly to the periphery of the horizontal surface area to a height of three hundred fifty (350) feet above the airport elevation. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(c) *Height limits-heliports.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the airspace district to a height in excess of the following height limits herein established for the applicable heliport approach surface area and heliport transitional surface area, as defined in section 735-105 and designated on the ~~airspace-district~~ official zoning map. (Such height limits shall be computed from the applicable heliport landing and takeoff area elevation as designated on the ~~airspace-district~~ official zoning map).

- (1) *Height limit for the heliport approach surface area shall be:* One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated takeoff and landing area of the heliport) with the same width as the primary surface and extending outward and upward from a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.
- (2) *Height limit for the heliport transitional surface area shall be:* One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the center line of the primary and approach surfaces. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(d) *Performance standards.* The following performance standards shall apply to all land within the perimeter of the airport conical surface area and heliport transitional surface area as defined in section 735-105 and indicated on the ~~airspace-district~~ official zoning map.

- (1) *Interface with communications.* No use shall create interface with any form of communication, the primary purpose of which is for air navigation.
- (2) *Glare; marking and lighting of airspace hazards.*
- a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.
 - b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in section 735-105, shall be permitted.
- (3) *Smoke, dust, particulate matter.*
- a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 511 of this Code and regulations adopted pursuant thereto (a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).
 - b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of aircraft.

Sec. 735-105. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.*

Airport conical surface area. The land area designated as "airport conical surface area" on the ~~airspace-district~~ official zoning map, beginning at the periphery of the horizontal surface area and thence extending outwardly a distance of four thousand (4,000) feet - such conical surface area not including, however, the instrument and noninstrument approach surface areas and transitional surface area.

Airport horizontal surface area. The land area designated as "airport horizontal surface area" on the ~~airspace-district~~ official zoning map, the perimeter of which is determined by projecting arcs from the center of the inner line of each instrument and noninstrument approach surface area (the dimension of such arcs for instrument approach surface areas being ten thousand (10,000) feet and for noninstrument approach connecting adjacent arcs by lines tangent thereto - not including, however, as a part of the horizontal surface area, the instrument and noninstrument approach surface areas and transitional surface area).

Airport instrument approach surface area. The land area designated as "airport instrument approach surface area" on the ~~airspace-district~~ official zoning map, located at each end of each instrument runway for landings and take-offs - such surface area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its center line being the continuation of the runway center line.

Airport landing area. The area of the airport used for the landing, taking-off or taxiing of aircraft.

Airport noninstrument approach surface area. The land area designated as "airport noninstrument approach surface area" on the ~~airspace-district~~ official zoning map, located at each end of each noninstrument runway for noninstrument landings and take-offs - such surface area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its center line being the continuation of the runway center line.

Airport transitional surface area. The land area designated as "airport transitional surface area" on the ~~airspace district~~ official zoning map, located adjacent to each instrument and noninstrument runway - such surface area extending outward as indicated on the ~~airspace district~~ official zoning map from a line two hundred fifty (250) feet on either side of the center line of a noninstrument runway, for the length of such runway plus two hundred (200) feet at each end thereof, to the inner line of the horizontal surface area, and from a line five hundred (500) feet of either side of the center line of an instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the horizontal surface area; further symmetrically located adjacent to each instrument and noninstrument runway approach surface area, on each side thereof, having variable widths, as indicated on the ~~airspace district~~ official zoning map, and extending the entire length of such approach surface areas to their intersection with the outline of the conical surface area; and further located beyond such points of intersection, beginning at the out lines of all instrument approach surface areas and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway center line, as indicated on the ~~airspace district~~ official zoning map.

Airspace hazard. Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace," "airport" or "heliport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.

Heliport approach surface area. The land area designated as "heliport approach surface area" on the ~~airspace district~~ official zoning map, located at the edge of the heliport landing and take-off area and widening thereafter uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the landing and take-off area.

Heliport landing and take-off area. The area of the heliport used for the landing and taking-off of helicopters.

Heliport primary surface area. That area coinciding in size and shape with the heliport landing and take-off area.

Heliport transitional surface area. The land area designated as transitional surface area on the ~~airspace district~~ official zoning map, located adjacent to the heliport primary surface - such surface extends outward perpendicular to the center line of the primary and approach surfaces for a horizontal distance of two hundred fifty (250) feet.

Instrument runway. A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Noninstrument runway. A runway other than an instrument runway.

Public airport or heliport. An airport or heliport publicly owned or operated, designated as a "public airport" or "public heliport" on the ~~airspace district~~ official zoning map, for which an airspace district is established by this article.

Runway. The surface of the airport used for landing and taking-off of aircraft.

Structure. An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

SECTION 6. Section 735-200 of the "Revised Code of the Consolidated City and County," regarding establishment of central business zoning districts, 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. 735-200. Establishment of official zoning map; establishment of central business zoning districts.

(a) Establishment of the official zoning map.

(1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.

(2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;

- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of central business zoning districts. The following primary central business zoning districts for Metropolitan Indianapolis, Marion County, Indiana, are hereby established, and land within Indianapolis is hereby classified, divided and zoned into such districts as designated on the ~~central business district zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this article~~ official zoning map:

Central Business Zoning Districts

Symbol

| | |
|-------|----------------------------------|
| CBD-1 | Central Business District One |
| CBD-2 | Central Business District Two |
| CBD-3 | Central Business District Three |
| CBD-S | CBD-Special Development District |

SECTION 7. Sections 735-300 and 735-301 of the "Revised Code of the Consolidated City and County," regarding establishment of secondary flood control zoning districts, hereby are 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. 735-300. Establishment of official zoning map; establishment of secondary flood control districts.

- (a) Establishment of the official zoning map.
 - (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
 - (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
 - (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
 - (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

~~(a)(b)~~ Establishment of flood control districts. The following secondary flood control districts for Marion County, Indiana, are hereby classified, divided and zoned into such districts as designated on the ~~flood control districts zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this article~~ official zoning map:

| <i>Flood Control Zoning Districts</i> | <i>Zoning District Symbols</i> |
|---------------------------------------|--------------------------------|
| Floodway (secondary) | FW |
| Floodway Fringe (secondary) | FF |

~~(b)(c)~~ The District boundaries have been established from hydrological data delineated on Flood Insurance Rate Maps provided by the Federal Insurance Administration, dated January 5, 2001 a scientific and engineering report entitled "The Flood Insurance Study for the Marion County, Indiana and Incorporated Areas". Topographic-based floodplain maps which may be developed by the City and approved for use by FEMA may be used as best available data to supplement FEMA's Flood Insurance Rate Maps, in accordance with FEMA and IDNR procedures and regulations. These maps contain Zone AE floodplain areas for which floodway district boundaries and base flood elevations are provided, Zone AH floodplain areas for which Base Flood Elevations are provided, Zone AO floodplain areas for which

Base Flood Elevations are not provided, and Zone A floodplain areas for which floodway district boundaries and Base Flood Elevations are not provided. Each of the aforementioned maps also contain shaded Zone X floodplain areas which depict areas subject to flooding in the headwaters of a stream, the 500 year frequency floodplain collar outside of the 100 year frequency Zone AE area, and land subject to shallow flood depths of less than one foot. The district boundaries and base flood elevations for mapped areas shall be determined as follows:

- (1) *Zone AE.* The Floodway Fringe (FF) Zone District boundary is determined by applying the Base Flood Elevations from the Flood Insurance Study Base Profiles to the specific topography of a site/parcel/property. The Floodway (FW) District Boundary is determined from the Flood Insurance Rate Map. The Base Flood Elevation shall be determined from the Flood Insurance Study Base Flood Profile, and is rounded up to the nearest one half foot elevation.
- (2) *Zone AH and Zone AO.* In Zone AH floodplain areas, the Base Flood Elevation shown on the Flood Insurance Rate Map shall be used. In Zone AO areas, the Base Flood Elevation shall be determined by adding the depth number specified in feet on the Flood Insurance Rate Map (two feet, if no depth number is specified) to the highest ground elevation at the site.
- (3) *Zone A.* Because this mapped area depicts only the approximate base flood boundary, the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and Base flood elevation must be established through a site-specific engineering analysis using a method acceptable to DCAM or a floodplain recommendation letter issued by IDNR containing specific reference to the site in question. It is the responsibility of the applicant applying for a Floodplain Development Permit to provide the requisite engineering analysis to DCAM or to obtain a floodplain recommendation letter from IDNR.
- (4) *Zone X.* Zone X areas (shaded or unshaded) are not designated by FEMA as Special Flood Hazard Areas and are not regulated by this ordinance.

(d) Detailed hydrological data may not be available on the aforementioned maps for certain portions of the FLOODWAY and FLOODWAY FRINGE DISTRICTS. In such cases, an owner of land or applicant for a Floodplain Development Permit shall be required to request a determination of district boundaries and appropriate flood protection grade from the IDNR and the appropriate DISTRICT regulations shall apply. In the event IDNR lacks sufficient data, DCAM shall determine which type of Flood Control District the site is located in and the appropriate flood protection grade and limitations applicable to that District. If DCAM lacks sufficient data to make this determination the applicant for the Floodplain Development Permit shall be required to submit a Zoning District boundary determination completed by a professional engineer. The procedures by which specific determinations of DISTRICT boundaries are to be made and incorporated into revisions of the Flood Insurance Rate Maps are set forth in Section 1.01 of this Ordinance.

Sec. 735-301 Changes to district boundaries

(a) Procedures to change the Floodway and Floodway Fringe District boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: determination or original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge which changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping which more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied Zone A areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular Flood Control Zoning District ~~map~~ may apply for a District boundary change in accordance with this Section.

(b) Changes to the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and the accompanying Base Flood Elevations must be approved by FEMA through a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) in accordance with procedures established by FEMA, before the revised maps and data shall be used under this Ordinance. Detailed study data, developed for sites located in Zone A areas pursuant to Section 1.00 as best available data, will generally not be acknowledged by FEMA for flood insurance determinations or result in District boundary revisions unless an official LOMR or LOMA is issued by FEMA which specifies such changes.

(c) DCAM shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this Ordinance. Upon verification DCAM shall issue a signed Community Acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement

or other physical change to the floodplain which requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, DCAM may require the applicant to enter into an agreement with DCAM to provide such operation and maintenance.

(d) Any changes in the Floodway District boundary must be reported to FEMA by the applicant within six (6) months of construction with a copy forwarded to DCAM. DCAM shall be responsible for maintaining up to date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with IDNR, FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.

(e) By reference the Metropolitan Development Commission and the City-County Council must acknowledge all Floodway (FW) and Floodway Fringe (FF) District boundary relocations and base flood elevation revisions approved by FEMA through the issuance of LOMR and LOMAs as changes to the ~~Flood Control District Zoning Maps~~ official zoning map.

(f) All Letters of Map Amendment (LOMA) and Letters of Map Revision (LOMR) approved and issued by the Federal Emergency Management Agency (FEMA) from September 2, 1992 until January 5, 2001 shall be incorporated as map amendments to the applicable Flood Control Districts boundaries (said letters [LOMA and LOMR] are incorporated by reference and made a part of this ordinance).

SECTION 8. Section 735-400 of the "Revised Code of the Consolidated City and County," regarding establishment of gravel-sand-borrow zoning districts, 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. 735-400. Establishment of official zoning map; establishment of Gravel-sand-borrow districts; purpose; establishment.

(a) *Purpose.* It is the purpose of this article to establish reasonable and uniform limitations, safeguards and controls in Marion County, Indiana, for the further production of sand, gravel, borrow, and other mineral or earthen materials. Restrictive limitations, safeguards and controls are deemed necessary in the public interest to effect practices which will provide for a more economic production of sand, gravel, borrow, and other mineral or earthen materials, and which will also take into consideration the surface use of the land as such uses are indicated by the value and character of the existing improvements in the districts where such production is hereinafter permitted, the desirability of the area for residential or other uses, or any other factor directly relating to the public health, comfort, safety and general welfare in gravel-sand-borrow districts.

(b) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

~~(b)(c)~~ Establishment of gravel-sand-borrow districts. Certain lands, as shown on the ~~secondary zoning classifications maps~~ official zoning map, containing deposits of gravel, sand, borrow, and other mineral or earthen materials, shall be given a secondary zoning classification of "gravel-sand-borrow district" and be designated "GSB Gravel-Sand-Borrow District" on the legend of the ~~secondary zoning classifications maps~~ official zoning map. In a gravel-sand-borrow district designated GSB, no structure or land shall be used and no building, structure, sand, gravel or borrow plant, or sand, gravel or borrow equipment shall hereafter be located, unless otherwise provided herein except for one (1) or more of the following uses:

- (1) Any use permitted in the primary zoning district in which such gravel-sand-borrow district is situated.

- (2) Mining, quarrying, excavating of sand, gravel, borrow, or other mineral or earthen materials.
- (3) Location, for a period not to exceed five (5) years, of temporary processing plants for the processing and stockpiling of sand, gravel, borrow, or other mineral or earthen materials, mined on the premises.

Provided, however, that permanent plants for the processing and stockpiling of gravel, sand, borrow, and other mineral or earthen materials, mined on the premises or elsewhere, shall not be permitted in any gravel-sand-borrow district except one (1) which has a Special Use District (23) primary zoning classification. It is further provided that changes in the primary zoning classification of areas comprising, in whole or in part, a gravel-sand-borrow district shall not affect such gravel-sand-borrow district as herein established. It is further provided that gravel-sand-borrow districts as herein established shall be enlarged or diminished only by ordinance.

(c) *Borrow excavation pursuant to state highway department contract.* Provided, however, that nothing in this article shall prevent the excavating of borrow or other earthen materials in any zoning district of this Marion County ~~Master Plan Permanent Zoning Ordinance~~ pursuant to a contract therefor with the Indiana State Highway Department, as a part of a state or federal highway project, provided the following requirements have been met prior to the beginning of such excavation:

- (1) A bond for such excavation shall have been filed with the Indiana State Highway Department in accordance with all such Department's applicable requirements, specifications and performance standards of excavation, operation and restoration.
- (2) A copy of such bond shall be filed with the ~~Metropolitan Planning~~ Department of Metropolitan Development, together with a site plan, area map, and legal description of the land to be included in such borrow excavation.
- (3) A permit for such borrow excavation shall be obtained from the ~~Metropolitan Planning~~ Department of Metropolitan Development. Such permit shall be issued upon the filing of the bond, site plan, area map, and legal description.

SECTION 9. Section 735-500 of the "Revised Code of the Consolidated City and County," regarding establishment of historic preservation zoning districts, 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. 735-500. Establishment of official zoning map; establishment of historic preservation districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of historic preservation districts. The following primary and secondary historic preservation districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the ~~historic preservation districts zoning map, which map is attached hereto, incorporated herein by reference and made a part of this article~~ official zoning map:

Historic Preservation Districts

Symbol

| | |
|------|--|
| HP-I | Historic Preservation District One – Primary |
| HP-S | Historic Preservation District – Secondary |

SECTION 10. Section 735-600 of the "Revised Code of the Consolidated City and County," regarding establishment of the regional center, 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. 735-600. Establishment of official zoning map; establishment of Regional Center and North Meridian Street Corridor; additional standards and requirements for use and development.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

~~(a)~~(b) Establishment of Regional Center and the North Meridian Street Corridor. The Regional Center and North Meridian Street Corridor secondary zoning district is hereby established. All uses permitted by the various zoning districts applicable to land located within the Regional Center and the North Meridian Street Corridor of Indianapolis, Marion County, Indiana secondary zoning district, as such Regional Center and North Meridian Street Corridor area is shown on the attached Regional Center and North Meridian Street Corridor Secondary Zoning District (which map is incorporated herein by reference and made a part of this article) designated on the official zoning map, shall be subject to the following additional standards and requirements:

All uses of land located within the Regional Center and the North Meridian Street Corridor of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval as included within a required site and development plan approved as hereinafter provided. Provided, however:

- The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the city controller in accordance with, Chapter 961 of this Code and shall not be subject to the provisions of this article.
- Any lot located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC), shall not be subject to the provisions of this article.

(1) Requirements of Metropolitan Development Commission approval.

- a. Existing uses. All existing uses, except those uses identified in the amortization section (subsection (a)(2)d.), lawfully in existence on the date of adoption of this article shall be exempt from the provisions of this article, however the alteration, modification, enlargement or improvement to any existing use, or the change in use within an existing structure, which requires an Improvement Location Permit shall also require the Metropolitan Development Commission approval.
- b. New uses. No new use, building, improvement, or structure shall be established after the effective date of this article until the proposed use, site and development plan have been filed with and approved by the Metropolitan Development Commission.

- c. *Filing the site and development plan.* All new uses and changes to existing uses shall file a request for approval of the proposed changes.

Upon the filing of such approval request, the Administrator of the Division of Planning and Zoning of the Department of Metropolitan Development, on behalf of the Metropolitan Development Commission, shall consider and either approve, disprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, the proposed use, site and development plan. Public and individual notice of such filing and action by the Administrator shall not be required.

The action of the Administrator upon such approval request shall be subject to the filing of an appeal, within ten (10) days, by any aggrieved person to the Metropolitan Development Commission.

The Metropolitan Development Commission may consider and act upon such appeal of the action of the Administrator at any public meeting of the Commission and shall either approve, disapprove, or approve the use, site and development plan subject to any conditions, amendments, commitments, or covenants by the petitioner. The petitioner or appellant, if on appeal, shall have the right to be heard.

Provided, however, rezoning of any land within the Regional Center or North Meridian Corridor from the primary zoning district classification applicable thereto to any other zoning district classification shall require notice as provided by statute and the rules of procedure of the Metropolitan Development Commission.

(2) *Standards and requirements for site and development plan, uses and structures.*

- a. The required site and development plan, drawn to scale, including building and structural plans, shall indicate, where applicable:
1. Existing uses, buildings and structures, noting those to remain and including a description of construction materials and exterior colors.
 2. Proposed buildings and structures, including a description of materials and colors.
 3. Elevation drawings of proposed buildings and structures.
 4. Off-street parking design and internal traffic pattern.
 5. Vehicular entrances, exits, and turnoff lanes.
 6. Building setbacks.
 7. Landscaping plan showing names, sizes at planting, spacing, and quantity of materials.
 8. Screens, walls, fences, including a description of materials and colors.
 9. Signs, including location, size, elevation, color and design thereof.
 10. Utilities, if aboveground facilities are needed.
 11. Pedestrian ways below, at, or above grade.
 12. All other requirements of section 730-300(b) of this Code.
- b. Details of such a development, including use, signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure shall be so designed to:
1. Be in conformity with the Regional Center Plan for Indianapolis, Marion County, Indiana, and the North Meridian Street Corridor Development Plan, adopted by the Metropolitan Development Commission's Resolution 82-CPS-R-4, April 15, 1982, 82-CPS-R-1, January 6, 1982; and

2. Create a superior land development plan, in conformity with the Comprehensive Plan for Marion County, Indiana;
 3. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Regional Center, the North Meridian Corridor, applicable zoning district and within adjacent uses;
 4. Provide adequate access, parking and loading areas;
 5. Provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
 6. Provide adequately for sanitation, drainage and public utilities;
 7. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;
 8. Create and maintain clear sight lines which enhance the views of parks and landmarks in the Regional Center and North Meridian Street Corridor for pedestrians and motorists;
 9. Be compatible in construction material, scale, color and pattern with the existing environment.
- c. Uses and structures within the North Meridian Street Corridor shall further be in accordance with the following use restrictions and development standards:
1. The following uses, whether existing or proposed, are not permitted and any existing uses listed below are subject to removal in accordance with the amortization section (subsection (a)(2)d.): Class I regulated commercial uses, including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code.
 2. The following uses seeking to locate within the North Meridian Street Corridor after the effective date of this article shall not be permitted. Any of the following uses lawfully in existence on the date of this article shall be permitted to remain.
 - (a) Pawnshops, loan shops, and variety stores.
 - (b) Gasoline service stations, on any lot with frontage on Meridian Street.
 - (c) Used car sales, except as an accessory use to new car sales.
 - (d) Car wash completely indoors, self-service car wash, automatic or semi-automatic car wash.
 - (e) Package liquor store except as a part of an integrated commercial center.
 - (f) Drive-in restaurant (fast food restaurant) except as a part of an integrated commercial center. Drive-in restaurant is defined by Chapter 732.
 - (g) Indoor commercial amusement, recreation and entertainment including: bowling alley, billiard parlor, gymnasium, tennis facility, roller or ice skating rink, night club, private club, or lounge on any lot fronting on Meridian Street except as a part of an integrated commercial center or as an accessory use to an office, hotel, or apartment complex.
 3. All development standards as required by the zoning district shall be applicable in the North Meridian Street Corridor except as modified by this section.
 - (a) Required front yard, minimum setback. Buildings and structures shall be located along the established front setback line (as defined in Chapter 732 of this Code.

- (b) Use of required yards. Off-street parking shall not be permitted in any required front yard.
- (c) Screening and landscaping of required front yards.
 - (i) Front yards shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Chain link fence may not be used in conjunction with landscaping in required front yards.

Provided, however, along any portion of a lot where parking exists or is proposed in front or at the side of the structure, there shall be provided and maintained along the front lot line of the parking areas a buffer screen of either:

Architectural screen. A wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Such wall or fence shall be at least forty-two (42) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or

Plant material screen. A compact hedge of evergreen or deciduous shrubs, at least thirty-six (36) inches in height at the time of planting.

The ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or grass. All shrubs and trees shall be planted balled and burlapped and shall meet the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

- (ii) Minimum maintenance standards for screening and landscaping area:
 - All trash containers/dumpsters shall be screened from frontage views.
 - Equipment and supplies such as tires, parts, machinery, tools and the like shall be screened or stored in an enclosed space.
 - Inoperable vehicles and any related parts shall be screened or stored in an enclosed space.
 - All lawns, required front, rear and side yards shall be regularly mowed during growing season, and shall be free of weeds, trash, and litter at all times.
 - Shrubby, trees, ground cover and planting beds shall be maintained in a safe, functional, and aesthetic condition.
 - Walks, steps, drives and parking lots including surface and edges shall be maintained in a safe, functional and clean condition. Chuckholes, in parking lots, broken curbs and crumbling sidewalks shall be repaired to original condition.
 - Building exteriors including awnings, porches, hardware and windows shall be properly maintained, kept clean, painted and in good repair.
 - All existing and proposed uses shall comply with these maintenance standards after the effective date of this article.
- (iii) All existing uses and all new uses shall be required to meet the screening and landscaping provision of this section as stipulated in the amortization provisions of this article (subsection (a)(2)d.).

- (d) Signs.
 - (i) Business signs: Business signs shall comply with the sign regulations of Chapter 734 of this Code and be further modified by the following:
 - (a) Business signs within the North Meridian Street Corridor shall be limited to wall signs, ground signs, pole signs and projecting signs.
 - Pole signs shall not exceed thirty-six (36) square feet per sign face.
 - Ground signs shall not exceed thirty-six (36) square feet per sign face.
 - Projecting signs shall not exceed eighteen (18) square feet per sign face.
 - (b) All existing business signs and all new business signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of subsection (a)(2)d. of this section.
 - (ii) Advertising signs: Advertising signs shall be permitted and shall comply with the sign regulations of Chapter 734 of this Code.
 - (iii) All existing signs and all proposed signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of subsection (a)(2)d. of this section.
- d. Amortization provisions. Amortization of certain nonconforming uses and amortization of certain nonconforming site development requirements.
 - 1. Uses to be amortized: All class I regulated commercial uses including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code where such uses are located within the North Meridian Street Corridor on the effective date of this article. Such nonconforming uses shall be terminated before January 1, 1990, and all other use of the land, structure, or premises thereafter shall be in accord with permitted land uses and regulations of the applicable zoning district and the Regional Center Secondary Zoning District. The termination of such nonconforming uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for termination or removal of any such use.
 - 2. Amortization of certain nonconforming site development requirements: All property within the North Meridian Street Corridor existing within any zoning district on the effective date of this article:
 - (a) Shall conform to the following subsections of this section before January 1, 1990: use of required yards (subsection (a)(2)c.3.(b)); screening and landscaping of required yards (subsection (a)(2)c.3.(c)); and business signs (subsection (a)(2)c.3.(d)).
 - (b) Such nonconforming use of required yards, screening and landscaping of required yards, and business signs shall be in accordance with permitted land uses and regulations of the applicable zoning district and the Regional Center Secondary Zoning District of Marion County upon such date. The termination of such nonconforming standards or uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for the termination or removal of any such use.

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

- a. A nonconforming use in a Regional Center District of this article shall be deemed to be legally established (relative to both use and development standards) if the use:
 - 1. Existed prior to April 8, 1969; and
 - 2. Has continued to exist from April 8, 1969, to the present; and
 - 3. Has not been abandoned; and
 - 4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

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

- b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.
- c. Subsection (a)(3) shall:
 - Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 - Not relieve any property of the obligation to comply with conditions and commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

SECTION 11. Section 735-700 of the "Revised Code of the Consolidated City and County," regarding establishment of special zoning districts, 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. 735-700. Establishment of official zoning map; establishment of special zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

~~(a)(b)~~ Establishment of special zoning districts. The following primary special zoning districts for Indianapolis, Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into such districts as designated on the zoning base maps which maps are hereby incorporated by reference and made a part of this article official zoning map:

Park Districts

| | |
|------|-------------------|
| PK-1 | Park District One |
| PK-2 | Park District Two |

Hospital Districts

| | |
|------|-----------------------|
| HD-1 | Hospital District One |
| HD-2 | Hospital District Two |

University Quarter Districts

| | |
|---------|--|
| UQ-1 | University Quarter District One |
| UQ-2(B) | University Quarter District Two (Butler University) |

~~(b)~~(c) *Establishment of special use zoning districts; permitted uses.* The following primary special use zoning districts for Marion County, Indiana, are hereby established, and land within the county zoned to such district classifications shall be designated on the applicable zoning base maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this article). No use shall be permitted in any special use zoning district other than the following permitted use or uses specified for each such district, respectively:

| <i>Special Use Zoning District</i> | <i>Zoning District Symbol</i> | <i>Permitted Use</i> |
|------------------------------------|-------------------------------|---|
| Special Use District I | SU-1 | Religious use (as defined in section 735-751) |
| Special Use District II | SU-2 | School |
| Special Use District III | SU-3 | Golf course, golf driving range, golf country club-public or private |
| Special Use District V | SU-5 | Radio receiving or broadcasting tower and accessory buildings |
| Special Use District VI | SU-6 | Hospital, sanitarium, nursing home |
| Special Use District VII | SU-7 | Charitable, philanthropic and not-for-profit institution |
| Special Use District VIII | SU-8 | Correctional and penal institution |
| Special Use District IX | SU-9 | Building(s) and grounds used by any department of town, city, township, county, state or federal government |
| Special Use District X | SU-10 | Cemetery |
| Special Use District XIII | SU-13 | Sanitary landfill |
| Special Use District XVI | SU-16 | Indoor and outdoor commercial amusement, recreation and entertainment establishment |
| Special Use District XVIII | SU-18 | Light or power substation |
| Special Use District XX | SU-20 | Telephone exchange offices |
| Special Use District XXIII | SU-23 | Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling |
| Special Use District XXVIII | SU-28 | Petroleum refinery and petroleum products storage |
| Special Use District XXXIV | SU-34 | a. Club rooms b. Fraternal rooms – fraternity and lodge c. Ballroom--public |
| Special Use District XXXV | SU-35 | Telecommunication receiving or broadcasting tower and associated accessory buildings |
| Special Use District XXXVII | SU-37 | Library |
| Special Use District XXXVIII | SU-38 | Community center |
| Special Use District XXXIX | SU-39 | Water tank, water pumping station and similar structures not located on buildings |
| Special Use District XXXXI | SU-41 | Sewage disposal plant; garbage feeding and disposal |

| | | |
|---------------------------------|-------|--|
| Special Use District XXXXII | SU-42 | Gas utility |
| Special Use District XXXXIII | SU-43 | Power transmission lines |
| Special Use District XXXXIV | SU-44 | Off-track mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (off- track betting facilities) |

Including for each such district:

- (1) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses.
- (2) Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.

SECTION 12. Section 735-800 of the "Revised Code of the Consolidated City and County," regarding establishment of wellfield protection zoning districts, 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. 735-800. Establishment of official zoning map; establishment of wellfield protection districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of wellfield protection districts. The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the ~~wellfield protection zoning districts maps which maps are attached hereto, incorporated herein by reference and made part of this article~~ official zoning map.

| <i>Wellfield Protection Zoning Districts</i> | <i>Zoning District Symbols</i> |
|---|--------------------------------|
| One Year Time-of-Travel Protection Area (secondary) | W-1 |
| Five Year Time-of-Travel Protection Area (secondary) | W-5 |

~~(a)~~(c) *Studies and evaluations of the W-1 and W-5 Districts.* The W-1 and W-5 Districts shall be reevaluated by the Department of Public Works, Environmental Resources Management Division ("ERMD"), with input from a Committee including representatives from ERMD, the Department of Metropolitan Development ("DMD"), Health and Hospital Corporation of Marion County, Indiana, and applicable water utilities, no less frequently than every five (5) years to determine scientific reasonableness of the districts' maps. The first of these reevaluations shall be completed by ERMD on or before December 31, 1998.

~~(b)~~(d) *Reports.*

- (1) The ERMD shall provide progress reports on the studies and evaluations as required in subsection (a) above to the chairman of the Metropolitan Development Committee of the city-county council and to the Commission, the first of which reports shall be within thirty (30)

days of the initiation of the study provided for in subsection (a)(2) above, and thereafter such reports shall be provided on a quarterly basis.

- (2) Every water utility having a wellfield within a W-1 or W-5 District shall on or before January 15, 1998, prepare and file with the chairman of the Metropolitan Development Committee of the city-county council, the Commission and the Health and Hospital Corporation of Marion County the water utility's water quality monitoring plan for that year, including therein a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. Any amendment to such plan by a water utility shall be filed within thirty (30) days of that amendment with the chairman of the Metropolitan Development Committee of the city-county council, the Commission, and the Health and Hospital Corporation of Marion County.

SECTION 13. 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 14. 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 15. 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. 137, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 137, 2001 on March 21, 2001. The proposal approves a transfer of \$7,000 in the 2001 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) from over-budgeted fringes to personal services (salaries). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 137, 2001 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

5 NOT VOTING: Douglas, Gray, Moriarty Adams, Short, Talley

1 ABSENT: Bradford

Proposal No. 137, 2001 was retitled FISCAL ORDINANCE NO. 33, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Seven Thousand Dollars (\$7,000) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,bb) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to transfer over-budgeted fringes to contractual services.

SECTION 2. The sum of Seven Thousand Dollars (\$7,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

| | |
|-------------------------------------|--------------------------------------|
| <u>MARION COUNTY JUSTICE AGENCY</u> | <u>STATE AND FEDERAL GRANTS FUND</u> |
| 1. Personal Services | <u>7,000</u> |
| TOTAL INCREASE | 7,000 |

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

| | |
|------------------------------|--------------------------------------|
| <u>COUNTY AUDITOR</u> | <u>STATE AND FEDERAL GRANTS FUND</u> |
| 1. Personal Services-fringes | <u>7,000</u> |
| TOTAL DECREASE | 7,000 |

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

PROPOSAL NO. 141, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 141, 2001 on March 29, 2001. The proposal, sponsored by Councillors Brents and Nytes, authorizes the Department of Public Works to implement a parking meter blockout downtown on May 25, 2001. 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 Nytes, for adoption. Proposal No. 141, 2001 was adopted on the following roll call vote; viz:

- 24 YEAS: *Bainbridge, Black, Borst, Boyd, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Talley, Tilford*
- 1 NAYS: *Soards*
- 3 NOT VOTING: *Cockrum, Gray, SerVaas*
- 1 ABSENT: *Bradford*

Proposal No. 141, 2001 was retitled GENERAL RESOLUTION NO. 4, 2001, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 2001

A PROPOSAL FOR A GENERAL RESOLUTION to request a parking meter blockout on May 25, 2001, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle.

WHEREAS, Memorial Day began as Decoration Day where those who perished during the Civil War were remembered and their graves were decorated; and

WHEREAS, later, veterans who gave the supreme sacrifice to preserve freedom in all of America's wars were honored on Memorial Day, a patriotic day which in 1971 became a national holiday; and

WHEREAS, Memorial Day weekend is a very special time in Indianapolis with thousands of visitors and exciting events; and

WHEREAS, remembering the bedrock reason for the holiday, the 500 Festival Memorial Service will be held on Monument Circle in downtown Indianapolis on Friday, May 25, 2001 where appropriate homage will be accorded in a public memorial ceremony to these American patriots who gave their lives for our liberties; 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, recognizing the importance of Memorial Day weekend in Indianapolis for local residents, for out-of-town visitors and for its international attention, requests that the Department of Public Works issue a one-day blockout of downtown Indianapolis' parking meters on May 25,

2001, as a token of this City's thanks and gratitude for those patriots who fought and died to keep America free.

SECTION 2. The Department of Public Works shall issue and implement a one-day blackout of downtown Indianapolis' parking meters on May 25, 2001 for the area bounded by St. Clair Street, South Street, East Street, and West Street.

SECTION 3. This resolution shall be in effect upon adoption and compliance with Ind. Code § 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 146-153, 2001 on March 29, 2001. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 146, 2001. The proposal, sponsored by Councillor Langsford, authorizes a multi-way stop at Connection Avenue and Subway Street (District 13). PROPOSAL NO. 147, 2001. The proposal, sponsored by Councillor SerVaas, authorizes a multi-way stop at 46th Street and Lincoln Road (District 2). PROPOSAL NO. 148, 2001. The proposal, sponsored by Councillor Boyd, authorizes a change in intersection controls for 37th Street and Ralston Avenue (District 11). PROPOSAL NO. 149, 2001. The proposal, sponsored by Councillor Smith, authorizes a multi-way stop at Glen Shire Lane and Southern Lakes Drive, and at Gunyon Way and Southern Lakes Drive (District 23). PROPOSAL NO. 150, 2001. The proposal, sponsored by Councillor Smith, authorizes intersection controls for the Spring Oaks Subdivision (District 23). PROPOSAL NO. 151, 2001. The proposal, sponsored by Councillor Smith, authorizes intersection controls at 7500 South Acton Road at the railroad crossing (District 23). PROPOSAL NO. 152, 2001. The proposal, sponsored by Councillor Smith, authorizes a weight limit restriction on McGaughey Road from Southeastern Avenue to Post Road (District 23). PROPOSAL NO. 153, 2001. The proposal, sponsored by Councillor Nytes, authorizes a change in parking restrictions on East Street from Washington Street to Ohio Street (District 22). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Smith, for adoption. Proposal Nos. 146-153, 2001 were adopted on the following roll call vote; viz:

26 YEAS: *Bainbridge, Black, Borst, Boyd, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford*
0 NAYS:
2 NOT VOTING: *Cockrum, Gray*
1 ABSENT: *Bradford*

Proposal No. 146, 2001 was retitled GENERAL ORDINANCE NO. 32, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

April 16, 2001

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|----------------------------|---------------------|------------------------|
| 33 | Connection Av Subway St | Subway St | Stop |

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|----------------------------|---------------------|------------------------|
| 33 | Connection Av Subway St | None | All Way Stop |

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

Proposal No. 147, 2001 was retitled GENERAL ORDINANCE NO. 33, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|-----------------------------------|---------------------|------------------------|
| 17 | 46 th St Lincoln Rd | 46 th St | Stop |

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|-----------------------------------|---------------------|------------------------|
| 17 | 46 th St Lincoln Rd | None | All Way Stop |

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

Proposal No. 148, 2001 was retitled GENERAL ORDINANCE NO. 34, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|-----------------------------------|---|------------------------|
| 18 | Ralston Av 37 th St | EB 37 th St SB Ralston Av | Stop |

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

Proposal No. 149, 2001 was retitled GENERAL ORDINANCE NO. 35, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|------------------------------------|---------------------|------------------------|
| 48 | Glen Shire Ln Southern Lakes Dr | Southern Lakes Dr | Stop |
| 48 | Gunyon Way Southern Lakes Dr | Southern Lakes Dr | Stop |

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|------------------------------------|---------------------|------------------------|
| 48 | Glen Shire Ln Southern Lakes Dr | None | All Way Stop |
| 48 | Gunyon Way Southern Lakes Dr | None | All Way Stop |

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

Proposal No. 150, 2001 was retitled GENERAL ORDINANCE NO. 36, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|---|---------------------|------------------------|
| 40 | Black Oaks Way Oakcrest Dr (E) | Black Oaks Way | Stop |
| 40 | Black Oaks Way Oakcrest Dr (W) | None | All Way Stop |
| 40 | Black Oaks Way Spring Oaks Way | Black Oaks Way | Stop |
| 40 | Copper Oaks Ct Oakcrest Dr | Oakcrest Dr | Yield |
| 40 | Edgewood Av Oakcrest Dr | Edgewood Av | Stop |
| 40 | Iron Oaks Ct Silver Oak Dr Spring Oaks Dr | Spring Oaks Dr | Stop |
| 40 | Oakbay Ct Oakcrest Dr | Oakcrest Dr | Yield |
| 40 | Spring Oaks Way Trophy Oaks Ct | Spring Oaks Way | Stop |

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

Proposal No. 151, 2001 was retitled GENERAL ORDINANCE NO. 37, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|--|---------------------|------------------------|
| 49 | Acton Rd (7500 S) Railroad Crossing | None | Stop |

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

Proposal No. 152, 2001 was retitled GENERAL ORDINANCE NO. 38, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

10,000 POUNDS GROSS WEIGHT

McGaughey Road, from Southeastern Avenue to Post Road

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

Proposal No. 153, 2001 was retitled GENERAL ORDINANCE NO. 39, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

East Street, on the west side, from Washington Street to South Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

East Street, on the west side, from Ohio Street to South Street

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

PROPOSAL NO. 167, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 167, 2001 on March 29, 2001. The proposal, sponsored by Councillor Smith, authorizes a traffic signal at 5325 East Thompson Road (shopping center) (District 23). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Mickey Rogers, Department of Public Works (DPW), said that although Kroger is willing to pay for the signal, he was finally able to contact Marsh Supermarkets today and they have indicated that they are willing to sit down and work out a solution for the safety of the area. He said that Marsh would like the opportunity to further discuss this issue.

Councillor Conley asked what took Marsh so long to respond to invitations to discuss this issue. Lonnie Hayes, Vice President of Real Estate for Marsh Supermarkets, said that approximately seven years ago, Marsh first brought the need for a signal at this location to the City's attention. He said at that time, there were issues regarding the cost and rights-of-way, and the signal was

deemed unnecessary. He said that he has received no contact oral or written regarding this matter since that time until April 3. He said that he is easy to contact and he is not sure why he was not contacted sooner. He said that the reason they would like more time to discuss the issue is because it is still a new discussion for them.

Councillor Borst said that the light is definitely needed at this location, and he asked if the ordinance can be structured to let these parties continue to negotiate with the City regarding the placement of this signal. Councillor Smith said that he would like to see the proposal go ahead and be passed, and it is more a matter of who the stoplight benefits most. He said that he believes the proposal should be passed, and then the matter should be left up to City engineers for exact placement of the signal. Robert Elrod, General Counsel, said that the ordinance could be changed to authorize DPW to put up a signal in this general vicinity. The question would then arise, however, as to who would pay for the signal. As it is currently written, the proposal indicates the signal will be located at Kroger's address, and therefore, Kroger has agreed to pay for the signal. If the proposal is amended to a more generic location, the question of who pays for what will need to be answered. Councillor Borst said that Kroger has also offered to pay to connect the two properties to provide easier access to the stoplight.

Councillor Moriarty Adams said that she has copies of letters to the property managers of this Marsh store location and she believes the City has made efforts to contact Marsh. Mr. Hayes said that this letter has never made its way to him and he has never seen this. Councillor Short said that the letter was addressed to the wrong people, and it is not right to penalize Marsh from being involved in these discussions because the right people were not notified. He said that it is a matter of miscommunication, and he believes Marsh should have the right to participate in these discussions, as the placement of the signal will impact their business, as well.

Councillor Bainbridge asked if there is reason to believe an agreement can be reached between the two entities. Mr. Rogers said that he has every confidence that an agreement can be reached.

Councillor Talley asked what the standard cost is for a traffic signal. Nathan Sheets, DPW, said that signals cost between \$60,000 and \$65,000.

Councillor Massie said that he believes the Council should proceed with the proposal as is, as Kroger has already agreed to invest this money.

Councillor Gray said that Marsh has not had input into the placement of the signal, and it is very likely they would be willing to pay for the signal as well. Councillor Horseman agreed, and said that Marsh should be afforded the opportunity to participate in these discussions.

Councillor Tilford asked if an agreement can be reached so that Kroger pays for the stoplight and Marsh pays for the connection of the two parking areas so that both properties receive benefit and both help to pay for the cost of this addition. Mr. Hayes said that Marsh offered to pay for the stoplight several years ago, and are more than willing to cooperate and pay their fair share of any benefit to the property, but in so doing would like to have some input. Councillor Tilford asked if Marsh has any problem with the current placement of the signal as proposed. Mr. Hayes said that they have not had time to discuss it and he cannot answer that question at this time.

Councillor Black asked if Kroger would be willing to discuss this issue further. Dan Simpson, Real Estate Supervisor for Kroger, said that they are more than willing to discuss options and costs for the signal and connection if the Council deems necessary, but that they are also willing to pay for the signal to proceed with the project efficiently.

Councillor Smith stated that this light is desperately needed, and discussions have been taking place for a long time and he does not want to see the issue delayed further with additional discussions. He asked the Council to support passage of the proposal as is.

Councillor Boyd moved, seconded by Councillor Gibson, to table Proposal No. 167, 2001 for further discussion. The motion failed by a voice vote.

Councillor Coughenour moved, seconded by Councillor Smith, for adoption. Proposal No. 167, 2001 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Dowden, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford
6 NAYS: Conley, Douglas, Gibson, Gray, Sanders, Short
1 ABSENT: Bradford

Proposal No. 167, 2001 was retitled GENERAL ORDINANCE NO. 40, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|---|---------------------|------------------------|
| 40 | 5325 E Thompson Rd (shopping center) | None | Signal |

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

ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) Councillors Tilford and Langsford in memory of Ed Burhenn; and
- (2) Councillor Coughenour in memory of Emerson Holmes Hendley; and
- (3) Councillor Talley in memory of James Crook; and
- (4) Councillor Langsford in memory of Mary Nally; and
- (5) Councillor Brents in memory of Leontine Winters; and
- (6) Councillor Coonrod in memory of Larry Highbaugh; and
- (7) All Democrat Councillors in memory of Gertrude Mahoney McConahay.

April 16, 2001

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 Ed Burhenn, Emerson Holmes Hendley, James Crook, Mary Nally, Leontine Winters, Larry Highbaugh, and Gertrude Mahoney McConahay. 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 10:10 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 16th day of April, 2001.

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)