

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

**REGULAR MEETINGS
MONDAY, APRIL 27, 1992**

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 7:17 p.m. on Monday, April 27, 1992, with Councillor SerVaas presiding.

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

ROLL CALL

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

28 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams
1 ABSENT: Schneider

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Golc introduced Warren Wiley, Mayor of Beech Grove, and his wife Janet.

Councillor Borst introduced Barbara Kick and Volker Antonczk, two students from Weiden, Germany.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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 that 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 27, 1992, 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
Beurt SerVaas, President
City-County Council

April 13, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL 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 Indianapolis NEWS and The Indianapolis COMMERCIAL on Wednesday, April 15, 1992, a copy of LEGAL NOTICE on General Ordinance Nos. 22, 23 and 24, 1992.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

April 13, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL 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 Indianapolis NEWS and The Indianapolis COMMERCIAL on Wednesday, April 14, 1992, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 162, 163 and 179, 1992, to be held on Monday, April 27, 1992, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

April 15, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL 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 Indianapolis NEWS and The Indianapolis COMMERCIAL on Friday, April 17, 1992, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 80, 1992, to be held on Monday, April 27, 1992, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

April 27, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 15, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional \$200,000 in the County Public Defender Fund for purposes of the City-County Council and Marion County Superior Courts and transferring funds from the County General Fund and reducing the unappropriated and unencumbered balance in the County Public Defender Fund.

FISCAL ORDINANCE NO. 16, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional \$325,000 in the Consolidated Fund for purposes of the Department of Administration, Microfilm Archives Division, and reducing certain other appropriations for that Department.

FISCAL ORDINANCE NO. 17, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional \$6,454 in the County General Fund for purposes of the Cooperative Extension Service and reducing certain other appropriations for that Service.

GENERAL RESOLUTION NO. 2, 1992, approving certain public purpose grants for support of the arts.

GENERAL ORDINANCE NO. 22, 1992, amending Chapter 29 of the Code by adding a new Article IX concerning open alcoholic beverage containers in motor vehicles.

GENERAL ORDINANCE NO. 23, 1992, amending the Code by expanding the 500 Festival from 48 hours to 30 days and giving the Controller authority instead of the Board of Public Works concerning concessionaires.

GENERAL ORDINANCE NO. 24, 1992, amending the Code concerning outdoor retail sales from carts.

SPECIAL ORDINANCE NO. 2, 1992, approving the amendment of the Trust Indenture between the City and INB National Bank relating to the 1985 City of Indianapolis Adjustable/Fixed Rate Resource Recovery Revenue Bonds.

SPECIAL RESOLUTION NO. 20, 1992, recognizing the Crispus Attucks Athletic Association.

SPECIAL RESOLUTION NO. 21, 1992, recognizing the University of Notre Dame and the Notre Dame Club of Indianapolis.

SPECIAL RESOLUTION NO. 22, 1992, recognizing the Indianapolis International Airport.

SPECIAL RESOLUTION NO. 23, 1992, recognizing William G. Shassere.

SPECIAL RESOLUTION NO. 24, 1992, approving the Fort Harrison Transition Task Force.

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of April 6, 1992. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 212, 1992. This proposal, sponsored by Councillors Schneider and Dowden, memorializes Major Paul J. "Joe" Ernst. Councillor Dowden read the resolution and presented framed documents to his widow Elsie and to Sheriff Joseph McAtee and Sergeant Gene Tomey. Sheriff McAtee expressed appreciation for the resolution. Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 212, 1992 was adopted by unanimous voice vote.

Proposal No. 212, 1992 was retitled SPECIAL RESOLUTION NO. 25, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 1992

A SPECIAL RESOLUTION in memoriam of Major Paul J. "Joe" Ernst.

WHEREAS, Major Paul J. "Joe" Ernst was a devoted and respected deputy for twenty-six years with the Marion County Sheriff's Department; and

WHEREAS, Joe Ernst loved his job, he did it well, and he turned down two promotion offers because it would mean more time at the desk instead of out on the streets with police action; and

WHEREAS, Joe was a good cop, a Good Samaritan, a stable influence, a role model for young deputies, a dedicated public servant, and a friend; and

WHEREAS, Major Ernst's earthly journey ended on March 21, 1992, while he was helping a group of good kids attending a sporting event; 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 through this Special Resolution expresses its highest appreciation for the life of Major Paul J. "Joe" Ernst, and sorrow in his departure.

SECTION 2. Major Ernst was an exemplary deputy who reflected the highest credit upon himself and upon the Marion County Sheriff's Department.

SECTION 3. The Council extends its condolences to his widow Elsie, to his brothers Carl and Gilbert, and to his sisters Dorothy Maddox and Helen Wachs.

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

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

PROPOSAL NO. 213, 1992. This proposal, sponsored by Councillor Franklin, recognizes Patsy McCormick's work for abused women. Councillor Franklin read the resolution and presented a framed document to Ms. McCormick, who expressed appreciation for the recognition. Also present were Lesler Stogsdill, Alberta Walter, Grace Babbitt, Lyn Mason, Carolyn Williams, Jane and Millie Stogsdill, Zoe Kock, Leon Jackson, Linda Eddington and Pete Viles. Councillor Franklin moved, seconded by Councillor Beadling, for adoption. Proposal No. 213, 1992 was adopted by unanimous voice vote.

Proposal No. 213, 1992 was retitled SPECIAL RESOLUTION NO. 26, 1992 and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 26, 1992

A SPECIAL RESOLUTION recognizing Patsy McCormick's work for abused women.

WHEREAS, some people suffer an injustice and let it wreck their lives, but others dedicate themselves to helping similar victims; and

WHEREAS, Patsy McCormick is an exceptional lady who was molested by her father and stepfather as a little girl, suffered from severe migraines by the age of eleven, misused drugs to combat her headaches, endured four unsuccessful marriages, lived with low self-esteem, and had a stroke; and

WHEREAS, at age 40, Patsy McCormick resolved to take control of her life, entered therapy, was cured of drug overuse, and subsequently founded McCormick Center which is a sanctuary and support haven for abused women; and

WHEREAS, Patsy McCormick has a crusader's zeal for helping women who suffer from physical abuse and the attendant mental torture--and she knows from whence those unfortunate victims come; 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 an exemplary local citizen, Patsy McCormick, who overcame personal adversity to establish McCormick Center for abused women.

SECTION 2. The life and work of this exceptional lady serves as an inspiration that assisting fellow humans who need a helping hand is conducting the real business of life.

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. 214, 1992. This proposal, sponsored by Councillors Smith and Schneider, recognizes Indianapolis convention business. Councillor Smith read the resolution and presented a framed document to Barney Levengood, Executive Director, Capital Improvement Board, and Bill McGowan, President and CEO, Indiana Convention & Visitors Association, and both expressed appreciation for the resolution. Councillor Smith moved, seconded by Councillor Short, for adoption. Proposal No. 214, 1992 was adopted by unanimous voice vote.

Proposal No. 214, 1992 was retitled SPECIAL RESOLUTION NO. 27, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 1992

A SPECIAL RESOLUTION recognizing Indianapolis convention business.

WHEREAS, in the early 1970's, the cityscape south of the State House was drab and deserted; and

WHEREAS, then the new Indiana Convention Center opened in 1972 and breathed a new vitality to that area and to the whole city; and

WHEREAS, twelve years later additional exhibit halls and the Hoosier Dome were added, and today another expansion and renovation is in progress; and

WHEREAS, the successful work of the Indianapolis Convention and Visitors Association, the Indianapolis Project, and the Indiana Convention Center and Hoosier Dome staff resulted in 655,900 visitors attending 222 meetings and events using 411,000 hotel room-nights last year; and

WHEREAS, the International Association of Convention Bureaus reported a national decrease of 3 percent in delegate attendance in 1991, while Indianapolis enjoyed a 14 percent increase; and

WHEREAS, Association Management magazine's survey of professional meeting planners ranked Indianapolis tops in such categories as friendly people, effective sales presentation, post-meeting follow-up, the

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airport, and convention housing; and Crain's Chicago Business commends Indianapolis for its convention facilities, reasonable costs, cleanliness, and a refreshing atmosphere of small-town friendliness; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends the tremendous contribution made to this city by the Indiana Convention Center and Hoosier Dome, the Indianapolis Convention and Visitors Association, the Indianapolis Project, and by all citizens who are a part of the hospitality industry in Indianapolis.

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

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

PROPOSAL NO. 150, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 150, 1992 on April 9, 1992. The proposal approves the Mayor's appointment of Barry S. Baer as Director of the Department of Public Works for a term ending December 31, 1992. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Jones, for adoption. Proposal No. 150, 1992 was adopted by a unanimous voice vote. Councillor Coughenour introduced Mr. Baer.

Proposal No. 150, 1992 was retitled COUNCIL RESOLUTION NO. 47, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 1992

A COUNCIL RESOLUTION approving the Mayor's appointment of Barry S. Baer as Director of the Department of Public Works for a term ending December 31, 1992.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana", a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Barry S. Baer to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 1992; now, therefore:

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

SECTION 1. Barry S. Baer is approved and confirmed by the City-County Council to serve as Director of the Department of Public Works at the pleasure of the Mayor for a term ending December 31, 1992.

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

PROPOSAL NO. 166, 1992. Councillor SerVaas reported that the proposal was heard by the Rules and Public Policy Committee on April 7, 1992 and by the Administration and Finance Committee on April 20, 1992. The proposal approves the Mayor's appointment of Caterina Cregor as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1992. By a 7-0 vote, the Rules and Public Policy Committee reported the proposal to the Council with the recommendation that it do pass. By a 7-0 vote, the Administration and Finance Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Rhodes, for adoption. Proposal No. 166, 1992 was adopted by a unanimous voice vote. President SerVaas introduced Ms. Cregor.

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Proposal No. 166, 1992 was retitled COUNCIL RESOLUTION NO. 48, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 1992

A COUNCIL RESOLUTION approving the Mayor's appointment of Caterina Cregor as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1992.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-143 of the "Code of Indianapolis and Marion County, Indiana", a mayoral appointment of a Deputy Mayor and of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Caterina Cregor to serve as a Deputy Mayor and Director of the Department of Administration at his pleasure for a term ending December 31, 1992; now, therefore:

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

SECTION 1. Caterina Cregor is approved and confirmed by the City-County Council as a Deputy Mayor, and ex officio Director of the Department of Administration, at the pleasure of the Mayor for a term ending December 31, 1992.

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

PROPOSAL NO. 175, 1992. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 175, 1992 on April 14, 1992. The proposal appoints W. Tobin McClamroch to the Urban Enterprise Association. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 175, 1992 was adopted by a unanimous voice vote.

Proposal No. 175, 1992 was retitled COUNCIL RESOLUTION NO. 49, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 1992

A COUNCIL RESOLUTION appointing W. Tobin McClamroch to the Urban Enterprise Association.

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 Urban Enterprise Association, the Council appoints:

W. Tobin McClamroch

SECTION 2. The appointment made by this resolution is for a term ending September 25, 1993. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 176, 1992. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 176, 1992 on April 16, 1992. The proposal appoints Ray R. Irvin to the Board of Parks and Recreation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor Giffin, for adoption. Proposal No. 176, 1992 was adopted by a unanimous voice vote. Councillor O'Dell introduced former Councillor Ray Irvin.

Councillor Golc voiced his support for Mr. Irvin.

Proposal No. 176, 1992 was retitled COUNCIL RESOLUTION NO. 50, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 1992

A COUNCIL RESOLUTION appointing Ray R. Irvin to the Board of Parks and Recreation.

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

SECTION 1. As a member of the Board of Parks and Recreation, the Council appoints:

Ray R. Irvin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 177, 1992. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 177, 1992 on April 16, 1992. The proposal reappoints Jesse Moore to the Board of Parks and Recreation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor O'Dell moved, seconded by Councillor Rhodes, for adoption. Proposal No. 177, 1992, as amended, was adopted by a unanimous voice vote. Councillor O'Dell introduced Mr. Moore.

Councillor Williams stated that it is her opinion that women should be represented on the Board of Parks and Recreation.

Councillor Franklin voiced his support for Mr. Moore and introduced Mr. Moore's wife Denise.

Proposal No. 177, 1992, as amended, was retitled COUNCIL RESOLUTION NO. 51, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 1992

A COUNCIL RESOLUTION reappointing Jesse Moore to the Board of Parks and Recreation.

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

SECTION 1. As a member of the Board of Parks and Recreation, the Council appoints:

Jesse Moore

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 215, 1992. This proposal determines to review the determination of the Cable Franchise Board to issue a request for proposals for additional cable system franchises in response to the Letter of Intent submitted by MaxTel Associates Limited Partnership. Councillor Rhodes reported that at the April 20, 1992 Administration and Finance Committee meeting this matter had been reviewed and the Committee asked that this proposal be prepared for action at the April 27, 1992 Council meeting. Proposal No. 215, 1992 was adopted by a unanimous voice vote.

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Proposal No. 215, 1992 was retitled COUNCIL RESOLUTION NO. 54, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 1992

A COUNCIL RESOLUTION determining to review the determination of the Cable Franchise Board to issue a request for proposals for additional cable system franchises in response to the Letter of Intent submitted by MaxTel Associates Limited Partnership.

WHEREAS, MaxTel Associates Limited Partnership (hereinafter "MaxTel") submitted a letter of intent to the Cable Franchise Board pursuant to Sec. 8½-21 of the Code of Indianapolis and Marion County dated January 21, 1992; and

WHEREAS, the Cable Franchise Board on April 20, 1992 determined to issue a request for proposals pursuant to Sec. 8½-21; and

WHEREAS, pursuant to Sec. 8½-21(e) the Council may review that determination of the Cable Franchise Board; and

WHEREAS, the Administration and Finance Committee has recommended that the Council review that determination, 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 determine to review the determination of the Cable Franchise Board to issue requests for proposals for cable system franchises in response to the letter of intent of MaxTel.

SECTION 2. The review of such determination is assigned to the Administration and Finance Committee to hold such public hearing, meetings and conduct such investigations as it deems appropriate and to consider such new evidence as it may review for and on behalf of the Council pursuant to Sec. 8½-21(e), and to recommend to the Council such action as it may deem appropriate.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 192, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Nelson S. Hart to the Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 193, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$20,000 for the City-County Council to pay legal fees for the Cable Franchise Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 194, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$178,976 for the County Treasurer to pay remodeling costs"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 195, 1992. Introduced by Councillors Hinkle and Giffin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of office space for the Wayne Township Assessor to be built at Country Club Road and Rockville Road"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 196, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Jack H. Hall, M.D. to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 197, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing David R. Shirley to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 198, 1992. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$7,140 for the County Recorder to make the annual payment for leased vault space"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 199, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing David T. Smith to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 200, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$14,227 for the Prosecuting Attorney to continue the Domestic Violence Victim's Counseling Project which is funded by the annual Salvation Army grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 201, 1992. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$700 for the Presiding Judge of the Municipal Court to cover the costs of a graduation ceremony for probationers who passed the GED examination funded by private grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 202, 1992. Introduced by Councillor Jimison. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$494,365 for the Presiding Judge of the Municipal Court to hire additional public defenders and support staff"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 203, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$364,604 for the County Auditor to pay for the Automated Finger Printing System"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 204, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,350 for the Marion County Justice Agency, acting as subgrantee for the Indiana Criminal Justice Institute, to pay personnel costs for the Julian Center for its Victim Witness Services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 205, 1992. Introduced by Councillors Moriarty, Jimison and Golc. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE amending the

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Revised Code by adding a new chapter concerning the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 206, 1992. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION requesting the Animal Control Board to develop an ordinance establishing a spaying/neutering program for Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 207, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Arno Haupt to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 208, 1992. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Dr. Martin Luther King, Jr. Street and St. Clair Street (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 209, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Illinois Street and 54th Street (District 7)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 210, 1992. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on a segment of East Riverside Drive, from 18th Street to 30th Street (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 211, 1992. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on a segment of Alabama Street, from Fort Wayne Avenue to 16th Street (District 22)"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 186, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 186, 1992 on April 8, 1992. The proposal authorizes the amendment of S.R. No. 48, 1989, as amended, to extend the expiration date on the Inducement Resolution for Diversified Systems, Inc. to October 31, 1992. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Jones, for adoption.

Councillor Howard said that he hopes Diversified Systems, Inc. will work with the City and hire people who can be taken off the unemployment rolls. He also asked how many additional jobs will be created by this project.

James Crawford, Jr., Counsel to Indianapolis Economic Development Commission, replied that the company projects that twenty-one new jobs will be created at the end of the first year and sixty-six by the end of the third year. These jobs are primarily manufacturing jobs, such as tool and die makers and assembly-line workers.

Councillor Howard said that if the City knew in advance what kind of skills companies would require, the City could be training people at IVY Tech or some other education facility to acquire these skills.

Mr. Crawford said that on the loan application there is a breakdown of the types of jobs and the name, address and telephone number of the person at the company to contact concerning the job, and it also lists the construction contracts.

Councillor Giffin suggested that Mr. Crawford send all the data about jobs to the councillor in whose district the project will exist.

Proposal No. 186, 1992 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Hinkle

1 NOT PRESENT: Schneider

Proposal No. 186, 1992 was retitled SPECIAL RESOLUTION NO. 29, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 1992

A SPECIAL RESOLUTION amending City-County Special Resolution No. 48, 1989, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-6-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 48, 1989 as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Diversified Systems, Inc. (the "Company") which Inducement Resolution set an expiration date of March 31, 1992 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, but the Company has shown good cause to extend the aforesaid expiration date; 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 finds, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of March 31, 1992, contained therein and replacing said date with the date of October 31, 1992.

SECTION 2. The City-County Council further finds, determined, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

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PROPOSAL NO. 187, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 187, 1992 on April 8, 1992. The proposal authorizes the amendment of S.R. No. 76, 1991, as amended, to extend the expiration date on the Inducement Resolution for Allison Gas Turbine Division GMC to October 31, 1992. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Mullin, for adoption. Proposal No. 187, 1992 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, Williams

0 NAYS:

4 NOT VOTING: Hinkle, Moriarty, Rhodes, West

1 NOT PRESENT: Schneider

Proposal No. 187, 1992 was retitled SPECIAL RESOLUTION NO. 30, 1992 and reads as follows:

CITY COUNTY SPECIAL RESOLUTION NO. 30, 1992

A SPECIAL RESOLUTION AMENDING City-County Special Resolution No. 76, 1991 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 76, 1991 (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Allison Gas Turbine Division (the "Company") which Inducement Resolution set an expiration date of March 31, 1992 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, but the Company has shown good cause to extend the aforesaid expiration date; 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 finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of March 31, 1992 contained therein and replacing said date with the date of October 31, 1992.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement Resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

PROPOSAL NO. 188, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 188, 1992 on April 8, 1992. The proposal authorizes the amendment of previously executed bond documents relating to \$695,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1990 (Mobile Drilling Company, Inc. Project). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Franklin, for adoption. Proposal No. 188, 1992 was adopted on the following roll call vote; viz:

24 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Howard, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

4 NOT VOTING: *Black, Gilmer, Hinkle, Moriarty*

1 NOT PRESENT: *Schneider*

Proposal No. 188, 1992 was retitled SPECIAL ORDINANCE NO. 3, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 1992

A SPECIAL ORDINANCE approving the execution of document amendments relating to the previously-issued City of Indianapolis Economic Development Revenue Bonds Series 1990 (Mobile Drilling Company, Inc. Project), dated as of September 1, 1990 and approving and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis (the "Issuer") previously issued its Economic Development Revenue Bonds (Mobile Drilling Company, Inc. Project) (the "Bonds") in the original aggregate principal amount of \$695,000, pursuant to a Trust Indenture (the "Indenture") dated as of September 1, 1990 between the Issuer and Merchants National Bank & Trust Company of Indianapolis, as Trustee (the "Trustee"), the proceeds of which were loaned to Mobile Drilling Company, Inc. (the "Company") by the Issuer to facilitate the acquisition, construction, installation, and equipping of the Project (as defined in a Loan Agreement between the Issuer and the Company dated September 14, 1990); and

WHEREAS, certain changed circumstances which were not reasonably expected on the date the Bonds were issued now require the redemption of the Bonds from unspent proceeds prior to the acquisition of all of the Equipment (as defined in the Indenture); and

WHEREAS, to effect such redemption, certain amendments, which amendments are embodied in a certain Supplemental Indenture No. 1 between the Issuer and Trustee (the "Supplemental Indenture No. 1") must be made to the Indenture and pursuant to Section 11.02 of the Indenture, Merchants National Bank & Trust Company of Indianapolis, in its capacity as Bondholder, has consented to the terms thereof; and

WHEREAS, the Indianapolis Economic Development Commission on April 8, 1992 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the Supplemental Indenture No. 1 in the form presented at that meeting complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the Supplemental Indenture No. 1 by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the execution of the Supplemental Indenture No. 1 is of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the Supplemental Indenture No. 1 approved by the Indianapolis Economic Development Commission is hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the Supplemental Indenture No. 1 are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the Supplemental Indenture No. 1 approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the Supplemental Indenture No. 1 approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27 (a)(1) through (a)(10).

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SECTION 4. The provisions of this ordinance and the Supplemental Indenture No. 1 shall constitute a contract binding between the City of Indianapolis and the parties to the Supplemental Indenture No. 1, and after the execution of the Supplemental Indenture No. 1, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Supplemental Indenture No. 1 shall remain in effect.

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

PROPOSAL NO. 189, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 189, 1992 on April 8, 1992. The proposal authorizes the amendment of documents relating to the previously issued \$8,100,000 City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project) dated as of December 1, 1985. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Jones, for adoption. Proposal No. 189, 1992 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Black, Hinkle

1 NOT PRESENT: Schneider

Proposal No. 189, 1992 was retitled SPECIAL ORDINANCE NO. 4, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 1992

A SPECIAL ORDINANCE approving the execution of document amendments relating to the previously-issued City of Indianapolis Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project), dated as of December 1, 1985 and approving and authorizing other actions in respect thereto.

WHEREAS, City of Indianapolis (the "Issuer") previously issued its Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project) (the "Bond"), pursuant to a Bond Purchase Agreement dated as of December 1, 1985, between the Issuer, Webb/Henne Indianapolis Venture I, an Ohio general partnership ("Webb/Henne") and Bank One, Indianapolis, National Association (the "Bank") (the "Bond Purchase Agreement"), the proceeds of which were loaned to Webb/Henne by the Issuer to facilitate the acquisition, construction, installation, and equipping of the Project (as defined in a Loan Agreement between the Issuer and Webb/Henne dated as of December 1, 1985); and

WHEREAS, Webb/Henne and the Bank entered into a Real Estate Mortgage and Security Agreement, dated as of December 23, 1985 (the "Mortgage") (recorded with the Marion County Recorder, December 27, 1985, No. 850113985), securing the payment of the principal of and interest and premium, if any, on the Bond with a security interest in certain collateral described in the Mortgage; and

WHEREAS, Webb/Henne and the Bank also entered into a Collateral Assignment of Leases and Rents, dated as of December 23, 1985 (the "Collateral Assignment of Leases and Rents") (recorded with the Marion County Recorder, December 27, 1985, No. 850113986), transferring and assigning to the Bank all of Webb/Henne's rights, title and interests in, to and under the Leases and Rents (all as defined in the Collateral Assignment of Leases and Rents), securing the payment of the principal of and interest and premium, if any, on the Bond; and

WHEREAS, Webb/Henne issued its promissory note (the "Note") pursuant to the Loan Agreement, the Mortgage and the Collateral Assignment of Leases and Rents to evidence its payment obligations with respect to the Bond; and

WHEREAS, Webb/Henne subsequently assigned, under and pursuant to an Assignment and Assumption Agreement dated as of August 15, 1988, to The Eryk-Midamco Company, a joint venture (the "Company") all of Webb/Henne's right, title and interest in and to the Loan Agreement, the Bond Purchase Agreement, the Mortgage, the Collateral Assignment of Leases and Rents and the Project, and the Company assumed all of the obligations and duties of Webb/Henne under such documents, the Note and the Bond, and the ownership of

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the Project, (except nothing contained in that Agreement is to be construed as altering the Limited Guaranty Agreement between Charles W. Henne, R. Dudley Webb and the Bank, entered into as of December 23, 1985 (the "Limited Guaranty Agreement")), and the Limited Guaranty Agreement remains in full force and effect by and between the original parties thereto; and

WHEREAS, the Bank is the owner of the outstanding Bond; and

WHEREAS, the Company and the Bank have now agreed to enter into an Agreement (the "Agreement") to modify the Bond by changing the definition of "Adjustment Date" as it presently appears in the Bond to "December 31, 1991 and December 31 of each year thereafter to and including December 31, 2011" instead of December 31 of 1991, 1996, 2001, 2006 and 2011; and

WHEREAS, the Company and the Bank have further agreed that Banc One Mortgage Corporation, an affiliate of the Bank, shall be paid as compensation in its capacity as servicing agent with respect to the Bond and the Project an annual fee of .25% of the outstanding principal balance of the Bond as of December 31 of each year beginning December 31, 1991, which fee shall be payable on December 31 of each year (or the next succeeding Business Day, if earlier), except for the fee relating to December 31, 1991, which will be paid contemporaneously with the execution of the aforesaid Agreement; and

WHEREAS, the continuing exclusion from gross income of the interest on the Bond for federal income tax purposes may be subject to the Issuer's approval of modifications to the terms of the Bond; and

WHEREAS, the Indianapolis Economic Development Commission on April 8, 1992 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the amendment of the Bond in the form presented at that meeting (the "Amended Bond") complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

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

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

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

SECTION 2. The form of the Amended Bond approved by the Indianapolis Economic Development Commission is hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the Amended Bond are on file in the office of the Clerk of the Council for public inspection.

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

Section 4. The provisions of this ordinance and the Amended Bond shall constitute a contract binding between the City of Indianapolis and the parties to the Amended Bond, and after the execution of the Amended Bond, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Amended Bond shall remain in effect.

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

PROPOSAL NO. 190, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 190, 1992 on April 8, 1992. The proposal approves an inducement resolution for Park Tudor Foundation, Inc. in an amount not to exceed \$4,500,000 for the acquisition, construction, installation and equipping of additions to the existing facilities located at 7200 North College Avenue. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor

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Giffin moved, seconded by Councillor Smith, for adoption. Proposal No. 190, 1992 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

2 NOT VOTING: *Hinkle, Howard*

1 NOT PRESENT: *Schneider*

Proposal No. 190, 1992 was retitled SPECIAL RESOLUTION NO. 31, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 1992

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-1-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company; and

WHEREAS, Park Tudor Foundation, Inc., a not-for-profit corporation (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities described as the acquisition, construction, installation and equipping of an approximately 55,070 square foot building addition to the Applicant's existing facilities located at 7200 North College Avenue, Indianapolis, Indiana which will be used to provide elementary and secondary educational services; the acquisition, construction, installation and equipping of various site improvements at the facilities; and the acquisition and installation of machinery, equipment, fixtures and furnishings for use in the facilities (the "Project"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately five (5) at the end of one (1) and six (6) at the end of three (3) years with estimated additional payrolls of \$105,000 and \$150,000 respectively) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires October 31, 1992, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as it may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this Resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project. The Applicant may incur and pay expenditures with respect to the Project prior to the issuance of the bonds and the Issuer hereby declares that it expects to reimburse the Applicant for such expenditures out of the proceeds of the bonds which may aggregate a maximum of \$4,500,000, the anticipated cost of the Project. This declaration of official intent is made under Section 1.103-18 of the Income Tax Regulations.

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

PROPOSAL NO. 191, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 191, 1992 on April 8, 1992. The proposal approves an inducement resolution for National Benevolent Association, Robin Run Village Phase II, in an amount not to exceed \$10,500,000 for the acquisition, construction, installation and equipping of the elderly multi-family residential rental housing units, and related facilities located at 5354 West 62nd Street. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Mullin, for adoption. Proposal No. 191, 1992 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:
2 NOT VOTING: *Black, Brents*
1 NOT PRESENT: *Schneider*

Proposal No. 191, 1992 was retitled SPECIAL RESOLUTION NO. 32, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 1992

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-1-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds

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from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company; and

WHEREAS, The National Benevolent Association of the Christian Church (Disciples of Christ), a not-for-profit corporation (the "Applicant") has previously advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities described as the acquisition, construction, installation and equipping of a three-story, multi-wing, brick, and frame apartment and office building (the "Building") and related facilities (the "Facilities") to be built in two phases, the first phase containing 103 apartments, a clock tower, two guest rooms, a library, multi-purpose athletic courts, walking trails, a laundry facility, temporary dining facilities, and administrative offices, and the second phase containing between 85 and 95 apartment units, a dining facility, and a swimming pool. Also included in the Building will be space for a sundries store, a barber/beauty shop, and banking facilities. Each apartment unit in the Building will be rented to persons over age 55 and will include wheelchair accesses, safety grab bars in bathrooms, and portable and installed emergency calling systems. The Building will contain approximately 277,000 square feet. The Building and the Facilities will be located on approximately 11 acres of land at 5354 West 62nd Street, Indianapolis, Indiana. The project shall also encompass the acquisition, construction, installation and equipping of various site improvements in the Building and the Facilities and the acquisition of machinery, equipment, fixtures and furnishing for use in the Building and the Facilities. The Building and the Facilities will be initially owned by the Applicant and will be operated by Greater Indianapolis Disciples Housing, Inc., an Indiana not-for-profit corporation (collectively, the "Project"). Pursuant to this request, the City-County Council of the City of Indianapolis and of Marion County, Indiana on November 20, 1989 adopted City-County Special Resolution No. 73, 1989 (the "Original Resolution") concerning the Project; and

WHEREAS, Phase I of the Robin Run Village Project was financed in part through the issuance of City of Indianapolis Economic Development Revenue Bonds, Series 1990 (National Benevolent Association - Robin Run Village Project) in the aggregate principal amount of \$11,000,000 and consists of a three story multi-wing building containing 103 apartments and related facilities; and

WHEREAS, the Applicant has now requested that the Issuer proceed with the Phase II financing; and

WHEREAS, Phase II of the Project will now consist of 55 additional older adult apartments with services as described above, permanent dining facilities, swimming pool, intergenerational day care facilities, and 24 nursing beds. The nursing care facility will include 24-hour staffing, physical therapy, an activities area and a separate dining room. The day care and nursing facilities will share certain activity areas (the "Revised Phase II"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately fifty-three (53) (full-time equivalents) at the end of one (1) and three (3) years with estimated additional payrolls of \$778,685 and \$880,549 respectively) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Revised Phase II will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Revised Phase II would be of benefit to the health or general welfare of the Issuer and its citizens; and

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

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

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment (an additional number of jobs of approximately fifty-three (53) (full-time equivalents) at the end of one (1) and three (3) years with estimated additional payrolls of \$778,685 and \$880,549 respectively) in the City of Indianapolis, Indiana, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000) under the

Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Revised Phase II and the sale or leasing of the Revised Phase II to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Revised Phase II will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Revised Phase II, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires October 31, 1992, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as it may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project including Revised Phase II and for additions to the Project including Revised Phase II, including the costs of issuance (providing that the financing of such addition or additions to the Project including Revised Phase II is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Revised Phase II incurred after the adoption of the Original Resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, installation and equipping of the Revised Phase II will be permitted to be included as part of the bond issue to finance said Revised Phase II, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Revised Phase II. The Applicant may incur and pay expenditures with respect to the Revised Phase II prior to the issuance of the bonds and the Issuer hereby declares that it expects to reimburse the Applicant for such expenditures out of the proceeds of the bonds which may aggregate a maximum of \$10,500,000, the anticipated cost of Revised Phase II. This declaration of official intent is made under Section 1.103-18 of the Income Tax Regulations.

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

PROPOSAL NOS. 216-224, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 24, 1992".

Councillor Rhodes moved that Proposal No. 218, 1992 be scheduled for a public hearing:

Mr. President:

I move that Proposal No. 218, 1992 (Rezoning Petition No. 92-Z-16) be scheduled for a hearing before this Council at its next regular meeting on May 11, 1992 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

s/Stuart Rhodes, Councillor

Councillor Giffin seconded the motion. Councillor Rhodes' motion passed by a unanimous voice vote. Proposal No. 218, 1992 is identified as follows:

92-Z-16 WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #07.
2802 KESSLER BOULEVARD EAST DRIVE (approximate address), INDIANAPOLIS.
MICHAEL F. WILEY, by Mary D. Solada, requests the rezoning of 3.9422 acres, being in the D-3 District, to the C-1 classification to provide for commercial development.

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[Clerk's Note: A packet of information was distributed to the Councillors concerning the rezoning of 2802 Kessler Boulevard East Drive by the remonstrators.]

Robert Elrod, General Counsel, read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 92-Z-16, Council Proposal No. 218, 1991, at its next regular meeting on May 11, 1992, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 3.9422 acres at 2802 Kessler Boulevard East Drive from D-3 to C-1 to provide for a commercial development.

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

The Council did not schedule Proposal Nos. 216, 217, 219-224, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 216, 217, 219-224, 1992 were retitled REZONING ORDINANCE NOS. 38-45, 1992 and are identified as follows:

REZONING ORDINANCE NO. 38, 1992. 91-Z-102 (Amended) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT #18.
7201 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.
MERRILL MOORES, by Michael J. Kias, requests the rezoning of 4.59 acres, being in the D-3 District, to the C-S classification to provide for the development of a drug store and other commercial uses.

REZONING ORDINANCE NO. 39, 1992. 91-Z-158 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT #17.
930 SOUTH WARREN AVENUE (approximate address), INDIANAPOLIS.
MCCORMICK PLACE/CENTER TOWNSHIP SHELTER requests the rezoning of 0.2 acre, being in the D-5 District, to the SU-7 classification to provide for a shelter for the homeless.

REZONING ORDINANCE NO. 40, 1992. 92-Z-26 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #20.
6047 SOUTH EAST STREET, INDIANAPOLIS.
ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, by James L. Tuohy, requests the rezoning of 2.37 acres, being in the D-A District, to the SU-1 classification to provide for the development of a church.

REZONING ORDINANCE NO. 41, 1992. 92-Z-28 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #05.
9903 EAST 30TH STREET (approximate address), INDIANAPOLIS.
GREENWALT DEVELOPMENT, INC. by Joseph M. Scimia, requests the rezoning of 11.54 acres, being in the C-3 District, to the C-S classification to provide for the development of a mixed use commercial and light industrial complex.

REZONING ORDINANCE NO. 42, 1992. 92-Z-29 (Amended Address) PERRY TOWNSHIP
COUNCILMANIC DISTRICT #25.
2201 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.
DAVID JOHNSTON requests the rezoning of 13.6 acres, being in the D-A District, to the SU-3 classification to provide for a driving range and putting greens.

REZONING ORDINANCE NO. 43, 1992. 92-Z-30 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT #23.
5716 SOUTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.
MELODY COMMUNITIES, INC. requests the rezoning of 10.4 acres, being in the D-A District, to the D-4 classification to provide for single-family residential development by platting.

REZONING ORDINANCE NO. 44, 1992. 92-Z-31 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT #18.
6520 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.
DEAVERS & ASSOCIATES, INC., by Joseph M. Scimia, requests the rezoning of 11.27 acres, being in the D-A and D-2 Districts, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 45, 1992. 92-Z-34 LAWRENCE TOWNSHIP. COUNCILMANIC DISTRICT # 05.

12309 EAST 86TH STREET (approximate address), INDIANAPOLIS.
LARRY A. DEWESTER requests the rezoning of 5.0 acres, being in the D-A District, to the D-1 classification to provide for single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 179, 1992. The proposal is a rezoning ordinance for certain property in Lawrence Township, Councilmanic District No. 4, located at 9602 East 86th Street. Proposal No. 179, 1992 was certified by the Metropolitan Development Commission on April 3, 1992. On April 6, 1992, the Council voted to schedule a public hearing for April 27, 1992.

The President said that Robert G. Elrod, General Counsel, has met with the attorneys for the petitioners and the remonstrators and that there was no resolution of the matter.

Councillor Dowden, in whose district this property is located, stated that the Metropolitan Development Commission voted 6-2 to approve this request for rezoning. The Castleton East Community Organization (CECO) requested that the Council hear the rezoning request and consider the facts of the case to determine whether to sustain or override the Commission's vote.

The President stated that Raymond Good is the attorney representing the petitioners; Stephen Lyman is President of CECO and also the attorney representing the remonstrators.

Mrs. Donald Daugherty, petitioner, stated that she and her husband have 1.6 acres and want to build another house on the lot. She and her husband will live in the new house and their daughter and her family will live in the existing home. Each house would have no less than 3/4 acre per house. She said that they talked to the Department of Metropolitan Development staff and upon their recommendation filed for a rezoning of the property. She said that they have lived at that location for nineteen years and they bought the property without any restrictions.

Mr. Good said that the request is consistent with the recommendations of the Comprehensive Land Use Plan for Lawrence Township. The rezoning is from a D-S classification, which requires one acre per house, to a D-1 classification, which requires slightly higher than a half acre. He urged the Council to endorse the Daughertys' request and sustain the Commission's approval.

Mr. Lyman stated that he represents CECO, an organization which is an umbrella group for approximately 38 housing associations in the northeast quadrant of Marion County. He acknowledged the number of neighbors present who live in the area. He asked for the Council's support of the Comprehensive Land Use Plan. The current zoning of D-S is the most appropriate and it is the most acceptable because that is what the Lawrence Township Comprehensive Plan says in writing. He asked for the Council's support because the petitioner is asking for an exception, and he believes it is a disturbing precedent that would be created if one lot was allowed to be split in two. This particular petition only benefits the Daughertys.

Ruth Yacko, President of the Sargent Road Association, stated that the Association represents 400 residents in the Mud Creek Valley area. The City Division of Planning recently identified Mud Creek Valley as an environmentally critical area within Lawrence

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Township. She believes this rezoning would open the flood gates to developers who would destroy the unique and special character of the Valley. She asked for the Council's support in maintaining D-S zoning for this property.

Councillor O'Dell asked if the Daughertys would have had to ask for rezoning if they owned 2.0 acres of land. Mr. Good responded there would be no need for rezoning if the Daughertys owned 2.0 acres of land.

Councillor Dowden stated that the Council will either vote to sustain or overturn the Commission. The Commission has voted to approve the petition by Mr. and Mrs. Daugherty so a green vote would support the Commission and a red vote would overturn the Commission and support CECO's position.

The President asked the Councillors to cast their votes. Proposal No. 179, 1992 was approved by the following roll call vote; viz:

22 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, Williams
5 NAYS: Curry, Dowden, Franklin, Rhodes, West
1 NOT VOTING: Howard
1 NOT PRESENT: Schneider

Proposal No. 179, 1992 was retitled REZONING ORDINANCE NO. 46, 1992, and is identified as follows:

REZONING ORDINANCE NO. 46, 1992. 92-Z-5 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #04.
9602 EAST 86TH STREET, INDIANAPOLIS.
DONALD and PATRICIA DAUGHERTY request the rezoning of 1.549 acres, being in the D-S District, to the D-1 classification to provide for the construction of a single-family residence.

PROPOSAL NO. 162, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 162, 1992 on April 15, 1992. The proposal technically amends F.O. No. 3, 1992 (Proposal No. 9, 1992) by changing the fund from the County General Fund to the County Grant Fund. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:21 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 162, 1992 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
1 NOT VOTING: Howard
1 NOT PRESENT: Schneider

Proposal No. 162, 1992 was retitled FISCAL ORDINANCE NO. 18, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Four Hundred Eleven Thousand Three Hundred Forty-three Dollars (\$411,343) in the County Grant Fund for purposes of the County Sheriff and reducing certain other appropriations 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 2.01 (z) of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated in order to technically amend Fiscal Ordinance No. 3, 1992 (Proposal No. 9, 1992) by changing the fund from the County General Fund to the County Grant Fund.

SECTION 2. The sum of Four Hundred Eleven Thousand Three Hundred Forty-three Dollars (\$411,343) 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 appropriations are hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GRANT FUND</u>
1. Personal Services	\$ 20,117
3. Other Services and Charges	384,625
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>6,601</u>
TOTAL INCREASE	\$411,343

SECTION 4. The said additional appropriations are funded by the following reductions:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 20,117
3. Other Services and Charges	384,625
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>6,601</u>
TOTAL REDUCTION	\$411,343

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

PROPOSAL NO. 163, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 163, 1992 on April 9, 1992. The proposal appropriating \$669,808 for the Department of Public Works, Advanced Wastewater Treatment Division (AWT), to reconstruct and replace equipment and building facilities damaged by the fire at the Belmont plant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:26 p.m.

Oliver Webb, an AWT employee, asked if the Mayor commissioned someone to sell AWT. Councillor Coughenour replied in the negative.

Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 163, 1992 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:

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1 NOT PRESENT: Schneider

Proposal No. 163, 1992 was retitled FISCAL ORDINANCE NO. 19, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Six Hundred Sixty-nine Thousand Eight Hundred Eight Dollars (\$669,808) in the Sanitation General Fund for purposes of the Department of Public Works, Advanced Wastewater Treatment Division, and reducing the unappropriated and unencumbered balance in the Sanitation 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 1.01 of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Advanced Wastewater Treatment Division, to reconstruct and replace equipment and building facilities damaged by fire at the Belmont plant using both in-house personnel and contractual design and construction services.

SECTION 2. The sum of Six Hundred Sixty-nine Thousand Eight Hundred & Eight Dollars (\$669,808) 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 appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS ADVANCED WASTEWATER TREATMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
2. Supplies	\$100,000
3. Other Services and Charges	<u>569,808</u>
TOTAL INCREASE	\$669,808

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	<u>\$669,808</u>
TOTAL REDUCTION	\$669,808

SECTION 5. 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. 3, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard this proposal on January 22 and March 25, 1992. By a 5-4 vote on March 25, 1992, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. On April 6, 1992 the Council voted to return the proposal to Committee. The Committee heard the proposal again on April 15, 1992. The proposal creates a public defender board and agency. By a 5-3 vote on April 15, 1992, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden stated that at the April 6, 1992 Council meeting there was a serious debate on Proposal No. 3, 1992, as amended. There were those who opposed the proposal on the basis of constitutionally defective provisions and there were those who questioned whether or not the drafts that had been prepared by Robert Elrod, General Counsel, would stand the test of constitutionality. Mr. Elrod had told the Committee that, in his opinion, the proposal is constitutionally sound. On April 6, 1992 the Council sent it back to

Committee by a vote of 14-13. Councillor Dowden said that the public defender issue is such a sensitive issue that it is now reposing in at least three judicial areas -- one case has been filed in Federal Court, one has been filed in Marion County Superior Court and there is one order of mandate that has been filed in the Indiana Supreme Court.

Councillor Dowden commented further that there was some objection to the Public Safety and Criminal Justice Committee hearing the proposal at its regularly, scheduled meeting on April 15, 1992. Mr. Elrod had said that since the Council had sent it back to Committee for action that it was properly before the Committee at anytime that the Committee met. The courts were advised that it was a viable ordinance before the Committee and that it might be brought up. The proposal was heard because action needs to be taken. There had been one to six judges at a time meeting with one to five people from the Mayor's office and one to five judges meeting with one to five Councillors in this building in various rooms. It is not a matter that has been lacking in discussion and in various attempts to compromise.

Councillor Dowden said that when the judges were approached with this public defender board being composed of three appointments from the judges, three appointments by the Mayor and three appointments by the Council, the judges said that they would not accept that composition. Consequently, the Committee then went back to the board structure that it originally approved--a board composed of four members nominated by the President of the City-County Council, one person nominated by the Superior Court Criminal Division judges, one person nominated by the Presiding Judge of the Municipal Court, one attorney not holding public office, and the County Auditor ex officio. And that is the recommendation the Committee is again bringing back to this Council.

Councillor Dowden stated that he believes that it is imperative that it be pointed out to those who suggest that only the judges have the authority to appoint public defenders and that the Council is taking that authority away from them, that in Section 286-9 of this ordinance it states, "Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana." So the Council is not treading on any of the rights and powers of the judges. And for those who are concerned that there might be wholesale dismissal of public defenders as they now exist, he pointed out that in Section 286-7 it states that the board will initially offer employment or contract to those persons presently under employment as public defenders here in Marion County.

Councillor Dowden added that subsequent to the April 15, 1992 Public Safety and Criminal Justice Committee meeting, there were discussions between representatives of the Mayor's office and the courts to negotiate a compromise. The compromise is to amend this proposal one more time regarding the composition of the board. Councillor Dowden therefore moved to amend Proposal No. 3, 1992, as amended, by deleting Sec. 286-3 and inserting in lieu thereof a new Sec. 286-3 to read as follows:

Sec. 286-3. Public Defender Board membership and appointment.

- (a) The Public Defender Agency Board shall consist of nine (9) members:
 - (1) Three (3) members appointed by the City-County Council, who may be members of the City-County Council; one of whom shall be designated as chairperson.

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- (2) Three (3) members (who may be judges) appointed by majority vote of the superior court criminal division judges, the superior court juvenile division and the presiding judge of the municipal court.
- (3) Three (3) members appointed by the mayor.
- (b) The initial term of two (2) members appointed by each of the appointing authorities shall expire on December 31, 1993. The initial term of the other members shall expire on December 31, 1992.
- (c) After the initial term of each member, appointments shall be for two (2) year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term.
- (d) The Prosecuting Attorney and deputy prosecuting attorneys, law enforcement officers and public defenders are ineligible to serve as members of the Board.
- (e) Board members shall serve without pay but may receive reimbursement for expenses if approved by the Board.
- (f) Five members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.
- (g) The Board shall meet at least quarterly or upon call of its chairperson or any three members of the Board.

and delete the words "a chairman" from Sec. 286-4 (9).

Councillor Giffin seconded the motion.

Councillor Dowden said that this amendment provides for a nine-member board equitably appointed by all of the interested parties. He believes that it is a very workable and equitable compromise.

Councillor Moriarty asked when was this amendment worked out between the judges and the Mayor's office. Councillor Dowden replied that he learned about it on Thursday, April 23, 1992, and he believes that it has been discussed every day since then.

Councillor Moriarty then asked why were not the Minority Members of the Public Safety and Criminal Justice Committee contacted about this or made aware of it. Councillor Dowden responded that he did not know that the judges were denying the Minority members this information.

Councillor Howard asked for the names of the judges who consented to this amendment. Councillor Dowden replied that he did not know. All he could say was that a letter was addressed to Dr. SerVaas stating that there were three judges designated as a three-person negotiating committee. One of the last communications he had before this Council meeting was that the three-member panel had agreed to this equitable distribution.

The President said that he did receive a letter informing him that a three-person negotiating committee had been formed consisting of Judge Carr Darden, Judge Patricia Gifford and Judge James Payne. The President said that he believes all Councillors received a copy of this letter.

Councillor Boyd stated that he would like to amend the amendment by moving that the Council remove Proposal No. 3, 1992 from the Public Safety Committee and that the Council consider Proposal No. 3, 1992, as a Committee of the Whole agenda item and consider it at a date certain to allow proper debate. Councillor Williams seconded the motion.

Councillor Boyd stated that he believes that there have been some significant breakdowns in procedure and that not all members of the Public Safety Committee knew of some very important information and agreements which were discussed concerning the public defender matter. And even though the proposal was referred back to the Public Safety Committee it did not seem to have received adequate re-review. He believes that there have been serious questions raised about the process of the Public Safety Committee. There are questions raised as to whether the proposal was appropriately placed before that committee as it sat to review it again and whether persons were notified. A very important consideration is that a Minority report was presented to the Public Safety Committee for review, and from the information that he has that Minority report was given little consideration. One of the things that he has been concerned about as Minority Leader for this Council is upgrading the minority input into the process of this Council.

Councillor Boyd further said that several of the reports which he received have indicated that the chairperson of the Public Safety Committee was very discourteous, violated protocol and violated procedure as these matters were considered in that Public Safety Committee of April 15, 1992. Serious consideration needs to be given to switching Proposal No. 3, 1992 to the Committee of the Whole or another committee where it can receive an objective review. He does not believe that there has been an objective review up to this point. Councillor Boyd said that if the chairperson of the Committee wants to consider this an indictment against the process, he has his invitation to so consider.

Councillor Dowden said that the Minority report was not referred to Committee. It was distributed at the April 6th Council meeting for consumption that evening. What this body did was send Proposal No. 3, 1992 back to Committee. As far as being on protocol, he said he will stand by the ruling of legal counsel. Councillor Boyd may disagree with legal counsel. Mr. Elrod, the Council's legal counsel, advised the Committee that the proposal was properly before the Committee and the Committee took proper action. Everybody on that committee who wanted to speak, had opportunity to speak. The Minority members asked for a recess and were granted a recess. As far as that Committee acting illegally, he thinks that Councillor Boyd is out of place because legal counsel had advised that it was proper to hear the proposal at that time.

Councillor Boyd stated that he believes that it is a gross insult to think that members of this Council would go to the trouble of putting together a paper as sophisticated as the one that was put before this Council and to have someone assume that it deserved no further consideration.

Councillor West said that he realizes that there may be some dissatisfaction about the April 15th Public Safety Committee meeting, and Councillor Boyd might feel that it would be best that this entire body, or some other committee, discuss the matter. This proposed amendment is before the whole body and the Council is trying to move the matter of getting a public defender agency started.

Councillor Golc stated that he would like to make seven specific points that he feels are relevant to the April 6th Public Safety Committee meeting and Proposal No. 3, 1992:

1. There was not adequate notice that this proposal would be heard.
2. There was not meaningful committee debate on key substantive issues on this proposal.

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3. There was no input from the general public on this proposal.
4. The process lacked decorum because of the inappropriate behavior of some Committee members.
5. The Committee failed to do the appropriate work that the Council set out for it when this issue was sent back to the Committee. The fact that the proposal was sent back to the Council without a single change, he believes is prima facie evidence that the Committee never discussed the issue as a whole.
6. The latest amendment to this proposal lacks significant input from this Council. Rather than decisions being made by appropriate legislative people, decisions have been made by people outside the Council as admitted by the Chairman of the Public Safety Committee.
7. The cost to establish this board and agency has never been made known.

Councillor Golc stated that he requests that this whole issue be sent to a neutral committee, to discuss the advantages and disadvantages of not only Proposal No. 3, 1992, but Proposal No. 205, 1992, which was introduced this evening as part of the Minority report.

Councillor Dowden said that the Council needs to move ahead with this matter. The public defender board is to come back to this body with a plan by July 1, 1992. As to what it is going to cost, that is one of the provisions that he believes the board should determine. The Council can reassign this to committee or reassign this to this full Council for another public hearing next month, but all the Council is doing is delaying accepting responsibility. He believes that there has been adequate discussion from all points of view and urged a vote be taken tonight on the proposal.

Councillor Williams stated that she was the maker of the motion at the April 6th Council meeting to send Proposal 3, 1992 back to committee. She believes contained in the motion was a directive that the Public Safety Committee review all options and listen to all input. She said that it was clear to her in reading the amendments and hearing from her colleagues that the spirit of that motion was ignored and it is clear to her that if this goes back to that committee it will continue to be ignored. The public was not notified of that committee hearing, be it legal or illegal. This is a very important issue and she believes that it will have a long-range impact on the judicial system. The Council cannot be expected to be shown an amendment to this proposal and expected to vote on it five minutes later. She will not participate in this vote if Councillor Boyd's amendment does not pass.

Councillor Ruhmkorff stated that she believes that the Council should go ahead and vote on the proposal tonight.

Councillor Jimison stated that she supports Councillor Boyd's motion. If Councillors can have private meetings and reach certain results, why have committee meetings. She thinks that as elected officials, Councillors not only have to be concerned with how soon something is done, but how correctly it is done.

Councillor Boyd said that regardless of whether the Council considers itself to be technically on solid ground or not, there is no question at all, in his opinion, that for the common-sense-thinking public the Council is very vulnerable in terms of the process. He is aware

that the Council has spent a significant amount of time on this whole issue, but he believes it would be appropriate to spend more time and hear this matter at the next meeting of the Committee of the Whole. With that he asked the President for a ten minute recess.

Councillor West stated that he appreciates that some people would like more time on this matter. The Council has been working on this a long time. When faced with lawsuits, it is appropriate to ask the representative body to vote on the matter in order to get something going to show the public and all those concerned with public defenders that the Council is going to have some program in effect very shortly.

Councillor Coughenour said that she supports Councillor Boyd's motion for a ten minute recess.

The President declared a ten minute recess.

A quorum being present, the President reconvened the City-County Council at 10:22 p.m.

The President ruled that the Council vote on Councillor Boyd's amendment which amended the amendment proposed by Councillor Dowden.

Councillor Coughenour stated that during the recess she talked with Senator Les Duvall, member of the Public Safety Committee's Public Defender Task Force, who said that he feels that the Council should vote tonight and get the public defender issue moving, and he believes that the composition of the board is fair in that it is not controlled by any one group. She said that she feels that there has been a lack of openness regarding the discussion and that the proposal should be able to stand on its merits.

Councillor Rhodes said that he also feels that there has been a problem with the process but also feels that based on Senator Duvall's opinion he will vote nay on Councillor Boyd's motion.

Councillor Boyd's motion failed by the following roll call vote; viz:

12 YEAS: Black, Borst, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Short, Williams

16 NAYS: Beadling, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

1 NOT PRESENT: Schneider

Councillor Dowden called the question on the amendment.

Councillor Boyd stated that one of the reasons he called a recess was to get some feeling from the Democrat Caucus as to how the Democrats should respond if his motion failed. He thinks in the interest of good government there needs to be better sensitivity to the process and better sensitivity to the people who are on this Council. It has been a long time since the Democrats have walked out of Council, and that this is not something that is done casually, it is something that the Democrats really had to consider and think about in terms of what would be their future relationship with the Republican members of this Council if the Democrats allowed this kind of thing to continue. He said that the President should discipline his own members into being respectful, not merely of the Democrat members of Council, but also members of the Republican Caucus.

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[Clerk's Note: Councillors Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Short and Williams left the Council meeting at this time.]

The President said that he sees a quorum and the parliamentarian confirms a quorum. The question has been called on the motion as amended. Councillor Dowden's motion to amend passed by a unanimous voice vote.

Councillor Borst stated that there is not going to be any major changes until the public defender board comes back to Council by July 1, 1992.

The President recognized Judge Evan Goodman, Presiding Judge of the Municipal Court.

Judge Goodman stated that he wanted to be on record that he does not support Councillor Dowden's motion to amend Proposal No. 3, 1992.

Councillor Dowden stated that he believes that there has been a lot of good faith negotiation going on by all the principal parties. There is a lot of work ahead, but the Council is not going to get that work done if it does not move ahead with this board right now. He called for the question on the Proposal No. 3, 1992, as amended.

Proposal No. 3, 1992, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Beadling, Borst, Curry, Dowden, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

1 NAY: Franklin

1 NOT VOTING: Coughenour

12 NOT PRESENT: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams

Councillor Beadling asked for consent to explain her vote. Consent was given. Councillor Beadling said that now that something is started, something can be done about all the federal cases and other lawsuits that have been filed.

The President stated that he is not surprised that this has had controversy. The Council is setting aside an old institution that has been long with the judiciary. There are still many jurists who believe that the old system is the best. On the other hand, the Bar Association has studied this for many months and made a recommendation to create a public defender board. The difference of opinion has come as to how the Board should be governed. This effort tonight is probably as close as the Council can come to a balance on this board. All decisions of this board have to come before this Council again. He said that he does not believe that the action that was taken was disproportional to the controversy and the number of persons who have been involved.

Proposal No. 3, 1992 was retitled GENERAL ORDINANCE NO. 25, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1992

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adding a new Chapter 286 entitled Marion County Public Defender Board and Agency.

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 be, and is hereby, amended by adding a new Chapter 286 to read as follows:

CHAPTER 286

MARION COUNTY PUBLIC DEFENDER BOARD AND AGENCY

Sec. 286-1. Agency and Board Established.

When used in this Chapter the following words and terms shall be defined as follows:

- (1) Agency means the Marion County Public Defender Agency created by this Chapter.
- (2) Board means the Marion County Public Defender Board created by this Chapter.
- (3) Indigent defendant means a person who requests legal representation and demonstrates by verifiable information submitted under penalty of perjury and communicated outside of the attorney-client relationship that he does not have sufficient available assets or income to pay for the legal representation requested without substantial hardship either to the person or the person's family.
- (4) Legal representation means the services of an attorney provided to a defendant in a matter originating in a state court in Marion County involving (1) a person charged with a crime as defined in IC 35-41-1-6, (2) an act of delinquency as defined in IC 31-6-4-1, (3) a violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter, (4) detention of a person subject to extradition to another jurisdiction, or (5) proceedings to collect unpaid child support pursuant to IC 31-2. The term includes services in connection with all pre-trial, trial and appellate proceedings in which an indigent defendant has a right to counsel.

Sec. 286-3. Public Defender Board membership and appointment.

- (a) The Public Defender Agency Board shall consist of nine (9) members:
 - (1) Three (3) members appointed by the City-County Council, who may be members of the City-County Council; one of whom shall be designated as chairperson.
 - (2) Three (3) members (who may be judges) appointed by majority vote of the superior court criminal division judges, the superior court juvenile division and the presiding judge of the municipal court.
 - (3) Three (3) members appointed by the mayor.
- (b) The initial term of two (2) members appointed by each of the appointing authorities shall expire on December 31, 1993. The initial term of the other members shall expire on December 31, 1992.
- (c) After the initial term of each member, appointments shall be for two (2) year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term.
- (d) The Prosecuting Attorney and deputy prosecuting attorneys, law enforcement officers and public defenders are ineligible to serve as members of the Board.
- (e) Board members shall serve without pay but may receive reimbursement for expenses if approved by the Board.
- (f) Five members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.
- (g) The Board shall meet at least quarterly or upon call of its chairperson or any three members of the Board.

Sec. 286-4. Powers and duties of the Board.

The Board shall have the following powers and duties:

- (1) To provide competent legal representation for indigent defendants in criminal, juvenile, and child support matters pursuant to the plan adopted pursuant to Sec. 286-6.

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- (2) To establish policy and procedures for the identification of an "indigent defendant" consistent with the definition set out in this Chapter.
- (3) To establish policies and procedure for the efficient operation of the Agency and the achievement of the objective of providing competent and independent legal representation for indigent defendants.
- (4) To employ a chief public defender subject to confirmation by the City-County Council, who shall be an attorney admitted to the practice of law in the state of Indiana to serve as the chief administrative officer of the Agency.
- (5) To authorize the chief public defender to employ or contract with attorneys, investigators, paralegals and clerical employees as necessary and consistent with the budget approved by the City-County Council based on merit without consideration of political affiliation.
- (6) To recommend an annual operating budget for the Agency and thereafter to monitor expenditures of funds by the Agency.
- (7) To receive and apply funds from grants, gifts, bequests and payments from persons served to the purposes of the Agency.
- (8) To prepare and submit to the Council and the general public an annual report on the operation of the Agency.
- (9) To elect other appropriate officers from the membership of the Board.

Sec. 286-5. Chief public defender.

- (a) The chief public defender shall:
 - (1) be the chief administrator of the public defender agency.
 - (2) decline to authorize the legal representation of defendants who are not indigent.
 - (3) review a determination of indigency and eligibility for legal representation by the Agency staff when requested to do so by an affected person.
 - (4) employ counsel to represent the Board, or a Board member or agent in any action to compel representation of a defendant determined by the Board to be not indigent.
- (b) Pending appointment of a chief public defender, the president of the City-County Council shall appoint a member of the Indiana Bar to serve as interim administrator of the Public Defender Agency. Such interim administrator shall assist in organizing the board and agency and may contract for additional public defender services to the extent of appropriations by the council for such purposes.

Sec. 286-6. On or before July 1, 1992, the Board shall prepare and submit to the City-County Council for approval a comprehensive plan for the provision of legal representation to indigent defendants in Marion County. The comprehensive plan shall, at a minimum, provide for:

- (1) Provision of legal representation to an indigent defendant at the earliest possible point in time.
- (2) The legal representation of an indigent defendant by the same attorney or attorneys through the pendency of a matter to the greatest extent possible.
- (3) The use of qualified attorneys who will volunteer to provide legal representation to one or more indigent defendants without charge to the greatest extent possible.
- (4) Agency staff professional development and continuing legal education.
- (5) Formal or informal agreements with the Marion County Prosecutor and law enforcement agencies establishing simplified procedures for expediting discovery and other communications with respect to pending cases.
- (6) Utilization of all available sources of non-governmental funding including but not limited to payment or repayment for services rendered from persons served in accordance with IC 33-9-11.5.
- (7) Periodic reevaluation of the operation of the Agency and the accomplishment of its purpose.

Such plan may be amended by the Board with approval of the Council.

Sec. 286-7. Retention of existing public defenders.

The Board shall initially offer employment or a contract for the provision of legal representation to each attorney acting as a public defender in the Marion County Municipal Court Criminal Division and the Marion County Superior Court Criminal, Juvenile and Title IVD Divisions on the effective date of this ordinance.

Sec. 286-8. Restriction on the law practice of public defenders.

(a) Attorneys employed by the Board on a full-time basis shall have as a condition of their continued employment that they do not practice law except as an employee of the Board.

(b) Attorneys employed by the Board on a part-time basis or on a contract for personal services and assigned to the Marion County Superior Court Criminal, Juvenile or Title IVD Divisions shall have as a material provision of their contract for the provision of legal representation or as a condition of their continued employment that they will not practice before the Judge of a Court to which they are regularly assigned by the Board except as assigned by the Board.

(c) Attorneys employed by the Board on a part-time basis or on a contract for personal services in the Marion County Municipal Court Criminal Division shall have as a material provision of their contract for the provision of legal representation or as a condition of their continued employment that they will not practice before the Judge of a Court or Courts to which they are regularly assigned by the Board except as assigned by Board.

Sec. 286-9. Authority of Judges. Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana. If the Public Defender Agency fails or refuses to provide such counsel, the Judge making the appointment shall request the Council to appropriate funds for payment of such counsel.

SECTION 2. Construction. Any term defined in this Chapter by reference to a state statute shall have the same meaning whenever used in this Chapter unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supercede it relating to the same or similar subject matter.

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

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

The President asked for consent to hear Proposal No. 159, 1992 next. Consent was given.

PROPOSAL NO. 159, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 159, 1992 on April 20, 1992. The proposal amends the Code concerning taxi fares for the 500-Mile Race. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption.

Councillor Franklin stated that he could not support this proposal because he believes that it is not fair for taxis to overcharge their customers going to and from the track on race day.

Proposal No. 159, 1992, as amended, was adopted on the following roll call vote; viz:

16 YEAS: *Beadling, Borst, Coughenour, Curry, Dowden, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West*
1 NAY: *Franklin*

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12 NOT PRESENT: *Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams*

Proposal No. 159, 1992, as amended, was retitled GENERAL ORDINANCE NO. 27, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 1992

A GENERAL ORDINANCE amending the Code concerning taxi fares for the 500-Mile Race.

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

SECTION 1. Subsection (g) of sec. 17-763 of Article XIX, Chapter 17, of the Code of Indianapolis and Marion County, be and is hereby amended by inserting the underlined text to read as follows:

Sec. 17-663. Fares.

- (g) Schedule of rates. The charge for taxi services shall be as follows:
- (1) Ninety-five cents (\$0.95) for the first one-fifth (1/5) mile.
 - (2) Thirty cents (\$0.30) for each additional one-fifth (1/5) mile. Thirty cents (\$0.30) may be charged for each one (1) minute of waiting time over the first three (3) minutes as hereinbelow specified.
 - (3) Eighteen dollars (\$18.00) per hour for the use at any hourly rate; provided that there shall be an additional charge of one dollar and fifty cents (\$1.50) per mile for each mile in excess of twelve (12) miles driven during any one (1) hour.
 - (4) Provided that the minimum for any fare originating from Indianapolis International Airport shall be six dollars and fifty cents (\$6.50).
 - (5) Provided further, that the rates which may be charged for taxicab service to and from the Indianapolis 500-Mile Race, on the day such race is scheduled to be run and any scheduled postponement date, shall be those which are filed with the controller by the owner of the taxicab(s) not less than 12 calendar days nor more than 45 calendar days before the day such race is scheduled.

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

PROPOSAL NO. 79, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 79, 1992 on April 20, 1992. The proposal reorganizes and expands the internal audit functions by establishing an Internal Audit Agency to replace the division of internal audit. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Curry, for adoption. Proposal No. 79, 1992, as amended, was adopted on the following roll call vote; viz:

16 YEAS: *Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West*

0 NAYS:

1 NOT VOTING: *O'Dell*

12 NOT PRESENT: *Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams*

Proposal No. 79, 1992, as amended, was retitled GENERAL ORDINANCE NO. 26, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1992

A GENERAL ORDINANCE reorganizing the division of internal audit to create a new Internal Audit Agency with expanded authority with respect to city and county government.

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, be and is hereby revised, by adopting a new Chapter 191 (by amending and recodifying Sec. 2-145 and Sec. 2-146 of the Code of Indianapolis and Marion County) by inserting the underlined text and deleting the stricken-through text to read as follows:

CHAPTER 191 - AUDITING

ARTICLE I - EXTERNAL AUDITS

Sec. 191-1. Consolidated City. The Mayor, upon recommendation of the audit committee, shall select the independent external audit firm to prepare the audited annual financial report of the Consolidated City.

Sec. 191-2. Marion County. The county auditor shall contract with an independent external audit firm to prepare the audited annual financial report of Marion County. As part of such contract for auditing services, the external audit firm shall be required to conduct internal management services and analysis of the offices of elected county officials, unless internal audits of such offices are being conducted by agreement under Sec. 191-12(b)(3). At minimum, such reviews and analysis shall be done annually with respect to the auditor, clerk and treasurer, and biennially on a rotating basis with respect to the other county offices. At the conclusion of such reviews, the external audit firm shall prepare a management report on each such office and forward copies of such reports to the office affected and to the President of the City-County Council.

ARTICLE II. INTERNAL AUDIT AGENCY

~~Sec. 2-145~~ 191-11. Division of Internal Audit Agency.

~~(a)~~ There is hereby established ~~an division of~~ internal audit agency for the purpose of investigating and auditing all operations of all departments of the city. Such audits may be conducted either by agency personnel or under contract with independent auditors. This ~~division~~ agency shall be responsible directly to the mayor.

Sec. 191-12. Powers and Duties.

~~(ba)~~ The ~~division of~~ internal audit agency shall have full authority to audit any department, division or other area of the city as deemed necessary by the manager of the ~~division~~ agency. The ~~division~~ agency shall provide reports of all audits to the mayor, ~~and the president of the city-council and the manager of any office or agency that is subject of the report.~~ Such reports shall be ~~of~~ public records.

(b) The internal audit agency may review the policies and expenditures of (1) any department of the consolidated city, (2) at the request of the president of the council any municipal corporation the budget of which is subject to appropriation or review by the council, or (3) any county office or officer if requested and agreed upon by that county office or officer.

(c) The internal audit agency may conduct efficiency and effectiveness reviews of stated policies.

~~Sec. 2-146~~ 191-13. Audit committee.

~~(a) Creation, composition, appointment of [members, term, vacancies.]~~ There is hereby created ~~and established~~ an audit committee consisting of ~~the following~~ five (5) members, appointed ~~for the~~ as follows terms:

- (1) A representative from the mayor's office, ~~to be appointed annually~~ by the mayor.
- (2) A member of the city-county council, ~~to be appointed annually~~ by the city-county council.
- (3) One (1) person who is qualified due to an involvement with financial matters and who is not an employee of the City of Indianapolis or Marion County shall be appointed by the city-county council, ~~and shall be appointed initially for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three (3) years.~~

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- (4) Two (2) persons, one (1) of which is qualified due to an involvement with financial matters and who is not an employee of the City of Indianapolis or Marion County, and ~~the other one (1) who is either a professional or business person involved in either the fields of education or consulting and who is not an employee of the City of Indianapolis or Marion County shall be appointed by the mayor. One (1) of these members shall be appointed initially for a one year term, and the other shall be appointed initially for a three year term. Thereafter, and at the expiration of the term of the initial appointees, each appointment shall be made for a term of three (3) years.~~

The members appointed under clauses (3) and (4) shall be appointed for terms of three years ending December 31 of the third year following appointment.

Each appointee may be removed only for cause by the respective appointing authorities. Vacancies shall be filled ~~by members appointed~~ by whomever made the initial appointment. ~~A member appointed to fill a vacancy shall serve~~ for the duration of the unexpired term. The field representatives from the state board of accounts assigned to the City of Indianapolis shall serve as ex officio members of the committee, with the city controller and the manager of the ~~division of~~ internal audit agency receiving notification of the meetings of the committee.

The staff functions for the committee shall be provided by the division of internal audit.

Sec. 191-14. Officers.

~~(b) Officers, quorum and meetings.~~

(1) The officers of the committee shall be a ~~chairman~~ person and a secretary. The ~~chairman~~ person shall be named by the mayor, and the secretary by the committee.

Sec. 191-15. Quorum and meetings.

(2) A quorum of the committee for official action in session shall be three (3) members. ~~(3) The committee shall meet quarterly at such place and time as may be set by the chairman, and may meet at such other times and places as may be needed in special session called by the chairman for a particular purpose.~~

Sec. 191-16. Powers and duties.

~~(c) Powers and duties.~~ The committee shall be responsible for meeting with independent external auditors to discuss the scope of the annual audit of the city and anything related to it. ~~The committee shall then recommend to the mayor the independent external audit firm to be appointed.~~ In addition, the committee shall oversee the affairs of the ~~division of~~ internal audit agency to insure adequate internal controls and procedures and to establish procedures and controls with respect to auditing contracts. Finally, the committee shall serve as the informed resource regarding the financing and accounting practices of the City of Indianapolis, and thereby submit a report annually to the mayor and the city-county council on its activities.

Sec. 191-17. Manager and employees.

The administration of the internal audit agency shall be under the control of the audit manager.

When the position of manager of the ~~division~~ agency becomes vacant, a new manager shall be appointed by the mayor with the approval of the city-county council. All other vacancies in the ~~division~~ agency shall be filled by the manager. The employees of this ~~division~~ agency shall be selected and qualified on the basis of professional qualifications without regard to political affiliation, and may be dismissed only for good cause relating to the performance of their duties. No more than sixty-five (65) percent of the employees may be members of one political party.

SECTION 2. Sec. 2-145 and Sec. 2-146 of the Code of Indianapolis and Marion County, be and are hereby repealed upon the effective date of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after April 1, 1992.

PROPOSAL NO. 140, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 140, 1992 on April 20, 1992. The proposal approves an amendment to the Central Garage Lease between the City and the Building Authority. By a 5-0-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption.

Councillor Rhodes stated he will abstain from voting due to a conflict of interest.

Proposal No. 140, 1992 was adopted on the following roll call vote; viz:

16 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Smith, West

0 NAYS:

1 NOT VOTING: Rhodes

12 NOT PRESENT: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams

Proposal No. 140, 1992 was retitled SPECIAL RESOLUTION NO. 33, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 1992

A SPECIAL RESOLUTION approving a First Amendment to the Central Garage Lease dated October 4, 1983, between the Indianapolis-Marion County Building Authority (the "Authority"), and the City of Indianapolis, Indiana (the "City").

WHEREAS, the Authority and the City entered into a Lease on October 4, 1983, pursuant to which the City leased from the Authority the Central Garage building (the "Lease"); and

WHEREAS, the Authority in 1983 issued its Garage Building Bonds of 1983 in the original aggregate principal amount of Five Million One Hundred Thousand Dollars (\$5,100,000) (the "1983 Bonds"), pursuant to a Trust Indenture between the Authority and Merchants National Bank & Trust Company of Indianapolis, as Trustee, dated as of December 1, 1983 (the "1983 Indenture"), to finance the cost of constructing and equipping the Central Garage Building in Indianapolis, Indiana; and

WHEREAS, the 1983 Bonds are payable from rentals received by the Authority under the Lease; and

WHEREAS, the Authority now desires to refund the 1983 Bonds outstanding as authorized by IC 5-1-5, and thereby obtain a substantial savings and reduction in interest costs and also permit a reduction in the rental payments under the Lease; and

WHEREAS, the Authority has determined to issue its Refunding Bonds, Series 1992 B (the "Refunding Bonds"), pursuant to a Trust Indenture between the Authority and Ameritrust National Bank, as Trustee (the "Trustee"), dated as of March 1, 1992 (the "1992 Indenture"), which Refunding Bonds are being issued for the purpose of providing for the payment of (i) the principal amount of the 1983 Bonds outstanding, (ii) the interest payable on the 1983 Bonds, (iii) the redemption premiums which will be payable on July 1, 1984 and (iv) costs of refunding, thereby procuring the full release and discharge of the 1983 Indenture, all as provided in Section 8.03 of the 1983 Indenture; and

WHEREAS, the Authority and the City desire to amend the Lease to evidence the reduction in lease rentals payable by the Lessee as a result of the savings attributable to the issuance of the Refunding Bonds; and

WHEREAS, there has been presented to the Council a proposed First Amendment to the Lease reflecting the reduction in the lease rentals and making other changes consistent with the terms of the Refunding Bonds, now, therefore:

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

SECTION 1. The First Amendment to Lease substantially in the form presented to this meeting is hereby approved. The Council hereby finds and determines that the annual rentals reflected in the First Amendment to Lease are fair and reasonable.

SECTION 2. The Mayor of the City of Indianapolis, for and behalf of the City, is hereby authorized to execute the First Amendment to Lease substantially in the form presented to this meeting, with such changes to the form thereof as the Mayor deems necessary or advisable, and the Clerk of the City-County Council is hereby authorized to attest the same.

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

PROPOSAL NO. 158, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 158, 1992 on April 20, 1992. The proposal establishes a \$500 petty cash fund to be placed in the Controller's custody for the use of the Mayor's Office, Finance Division (Controller), Legal Division, Human Resources Division, and Central Purchasing Division. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 158, 1992 was adopted on the following roll call vote; viz:

17 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

0 NAYS:

12 NOT PRESENT: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams

Proposal No. 158, 1992 was retitled SPECIAL RESOLUTION NO. 34, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1992

A SPECIAL RESOLUTION to establish a petty cash fund in the amount of five hundred dollars (\$500.00) to be placed in the custody of the Controller for the use of the Mayor's Office, the Finance Division (Controller), the Legal Division, the Human Resources Division, and the Central Purchasing Division.

WHEREAS, the Controller desires to maintain a petty cash fund for the Mayor's Office, the Finance Division (Controller), the Legal Division, the Human Resources Division, and the Central Purchasing Division to pay small or emergency items of operating expense.

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

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

SECTION 1. Pursuant to IC 36-1-8-3, the City-County Council, as the fiscal body for the Consolidated City of Indianapolis and Marion County, hereby establishes a petty cash fund in the amount of five hundred dollars (\$500.00) to be placed in the custody of the Controller, which petty cash fund shall be used by the Mayor's Office, the Finance Division (Controller), the Legal Division, the Human Resources Division, and the Central Purchasing Division to pay small or emergency items of operating expense.

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

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

PROPOSAL NO. 160, 1992. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 160, 1992 on April 14, 1992. The proposal approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 160, 1992 was adopted on the following roll call vote; viz:

Journal of the City-County Council

17 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

0 NAYS:

12 NOT PRESENT: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams

Proposal No. 160, 1992 was retitled SPECIAL RESOLUTION NO. 28, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1992

A SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 30, 1991, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 61, 1991, 1992 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 3.01 of the Budget Ordinance, as approved by the Council, reads as follows:

SECTION 3.01.State, local and federal grants.

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulation in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purposes grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a program for housing revitalization and economic development, utilizing Community Development Grant Funds to the Council for its approval pursuant to Section 3.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operations of each of the projects submitted by the Department of Metropolitan Development, 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 1992 Community Development Block Grant Core Group, utilizing Community Development Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 3.01 of the Budget Ordinance.

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

April 27, 1992

EXHIBIT "A"

1992 COMMUNITY DEVELOPMENT BLOCK GRANT
CORE GROUP RECOMMENDATIONS

ORGANIZATION	PROJECT	AMOUNT FUNDED
Business Opportunity Systems, Inc.	Housing Strategy Rehab	\$ 70,000
Business Opportunity Systems, Inc.	Production Initiatives	80,000
Community Action, Greater Indianapolis	Housing Strategy Rehab	35,000
Community Action, Greater Indianapolis	Emergency Home Repair	90,000
Concord Center Association	Housing Strategy Rehab	65,000
Dayspring Center	Production Initiatives	9,000
Eastside Community Investments, Inc.	Production Initiatives	30,000
Eastside Community Investments, Inc.	Acquisition Rehab	80,000
Eastside Community Investments, Inc.	Acquisition Rehab	80,000
Enda Martin Christian Center	Housing Strategy Rehab	50,000
Fountain Square & Fletcher Place Investment Corp.	Acquisition Rehab	70,000
Fountain Square Church & Community Project	Acquisition Rehab	30,000
Fountain Square Church & Community Project	Housing Strategy Rehab	60,000
Grandville Cooperative	Housing Strategy Rehab	60,000
Holy Family Shelter Trust	Production Initiatives	16,000
Interfaith Homes, Inc.	Housing Strategy Rehab	25,000
Mapleton-Fall Creek Housing Development Corp.	Production Initiatives	35,000
Mapleton-Fall Creek Housing Development Corp.	Acquisition Rehab	57,000
Mapleton-Fall Creek Housing Development Corp.	Housing Strategy Rehab	70,000
Mapleton-Fall Creek Housing Development Corp.	Emergency Home Repair	20,000
Mary Rigg Neighborhood Association	Emergency Home Repair	20,000
Mary Rigg Neighborhood Association	Housing Strategy Rehab	75,000
Near North Development Corporation	Housing Strategy Rehab	40,000
Near North Development Corporation	Acquisition Rehab	50,000
Partners for Westside Housing Renewal	Emergency Home Repair	30,000
Partners for Westside Housing Renewal	Housing Strategy Rehab	70,000
Rehab Resource	Production Initiatives	30,000
United Northwest Area Development Corp.	Acquisition Rehab	30,000
United Northwest Area Development Corp.	Emergency Home Repair	50,000
United Northwest Area Development Corp.	Housing Strategy Rehab	50,000
Westside Community Development Corp.	Acquisition Rehab	30,000
Williams, Howard & Wright, Inc.	Housing Strategy Rehab	<u>57,000</u>
TOTAL		\$1,564,000

PROPOSAL NOS. 164 and 165, 1992. The President ruled that Proposal Nos. 164 and 165, 1992 will be voted on together. PROPOSAL NO. 164, 1992. The proposal establishes the White River Greenway Development Board. PROPOSAL NO. 165, 1992. The proposal appoints members to the White River Greenway Development Board. Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 164 and 165, 1992 on April 9, 1992. By a 9-0 vote, the Committee reported Proposal No. 164, 1992 to the Council with the recommendation that it do pass as amended. By an 8-0 vote, the Committee reported Proposal No. 165, 1992 to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor McClamroch, for adoption. Proposal No. 164, 1992, as amended, and PROPOSAL NO. 165, 1992 were adopted on the following roll call vote; viz:

17 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

0 NAYS:

12 NOT PRESENT: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams

Proposal No. 164, 1992, as amended, was retitled GENERAL ORDINANCE NO. 28, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 1992

A GENERAL ORDINANCE establishing the White River Greenway Development Board.

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, be and is hereby amended by adding a new Chapter 282 to read as follows:

CHAPTER 282. COUNCIL AGENCIES

ARTICLE III. WHITE RIVER GREENWAY DEVELOPMENT BOARD

Sec. 282-31. Legislative intent.

White River flows for 31.3 miles through the heart of Marion County, thus it is beneficial for the citizens of this community that White River and its banks become a source of beauty and pride. For the past three years a White River Improvement Task Force has worked to inventory the river, help conduct a series of successful riverbank cleanups and has labored to develop a strategic long range plan to transform the river into an object of good health, safety, beauty and pride. The council desires to assist this group of public spirited citizens by creating this board.

Sec. 282-32. Board created.

There is hereby created a White River Greenway Development Board which initially shall be a continuation of the committee existing pursuant to council Special Resolution 119, 1991.

Sec. 282-33. Powers and duties.

The board shall continue the work of the previous white river improvement task force, shall be eligible to contract for public and private funds to help accomplish its strategic goal of maintaining and improving white river within the county, may enter into mutually beneficial nonfinancial agreements with government agencies and with private entities, and shall encourage and help organize others for action to improve white river.

Sec. 282-34. Membership and officers.

(a) The board shall be comprised of sixteen (16) members: fourteen (14) members appointed annually by the city-county council to serve at its pleasure, one appointed by the Director of the Department of Public Works, and one appointed by the Director of the Department of Parks and Recreation.

(b) The board shall elect appropriate officers from among its members.

Sec. 282-35. Cooperation with agencies.

The board shall cooperate with all affected and interested governmental agencies, including the Indianapolis department of public works and the Indianapolis department of parks and recreation; which shall likewise afford the white river greenway development board all due assistance within their staff and budget limitations.

Sec. 282-36. Reports.

The board shall prepare an annual report of its activities and other relevant information by January 31 to the mayor, the Indianapolis department of public works, the Indianapolis department of parks and recreation and to the city-county council.

Sec. 282-37. Sunset.

The Board established by this Article shall cease to exist after January 31, 1998, unless the city-county council affirmatively acts to continue the board.

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

April 27, 1992

PROPOSAL NO. 165, 1992 was retitled COUNCIL RESOLUTION NO. 52, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 1992

A COUNCIL RESOLUTION making appointments to the White River Greenway Development Board.

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

SECTION 1. As members of the White River Greenway Development Board, the Council appoints Ray R. Irvin, Ruth R. Hayes, Mary Anderson, Bob Baker, Bill Bailey, Eli Bloom, Brenda Bush, Helen Carroll, Kenneth Giffin, Kevin Hardie, Paul Jones, Bill Moldenhauer, Kevin Strunk and Steffani White.

SECTION 2. The appointments made by this resolution are for terms ending December 31, 1992. The persons appointed by this resolution shall serve at the pleasure of the Council and until their respective successors are appointed and have qualified.

PROPOSAL NO. 174, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 174, 1992. The proposal commissions a study of the Court Services Agency. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 174, 1992, as amended, was adopted on the following roll call vote; viz:

17 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West

0 NAYS:

12 NOT PRESENT: Black, Boyd, Brents, Golc, Howard, Jimison, Jones, Moriarty, Mullin, Schneider, Short, Williams

Proposal No. 174, 1992, as amended, was retitled COUNCIL RESOLUTION NO. 53, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 1992

A COUNCIL RESOLUTION commissioning a study of the Court Services Agency.

WHEREAS, the jury pool system is maintained by the Court Services Agency for the municipal, criminal, civil and drug courts; and

WHEREAS, the Court Services Agency's main purpose is to provide jurors for jury trials in the courts in Marion County; and

WHEREAS, the agency has had to spend 1991 funds in 1990, and over \$168,000 of their 1992 funds during 1991; and

WHEREAS, the agency will soon be out of funds for jury services in its current 1992 budget; and

WHEREAS, there has been consideration given to reviewing uniformity of jury use and expenses; 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 directs the Marion County Justice Agency to study the jury pool system, and to recommend optional solutions for short term and long term jury pool structure and funding.

SECTION 2. The task force is to make a public interim status report to the Council's Public Safety and Criminal Justice Committee during May, and a final report to the legislative, executive and judicial branches of Indianapolis-Marion County local government by June 24, 1992, in time for 1993 annual budget consideration.

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

Councillor Borst asked if there is a procedure to change a vote on a previously-voted-on ordinance or is it necessary to reconsider the whole ordinance. He said that he found out since he voted on Proposal No. 3, 1992 that there is no agreement between the judges, the Council and the Mayor concerning the composition of the public defender board. He said he voted on wrong information and that he believes the Council was misled.

The President said that it is highly unusual to reverse a vote for personal reasons.

Councillor West said that it is his understanding that the normal parliamentary procedure would be to make a motion to reconsider and anyone voting on the prevailing side could change his vote.

Councillor Borst said he would not make a motion to reconsider.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:08 p.m.

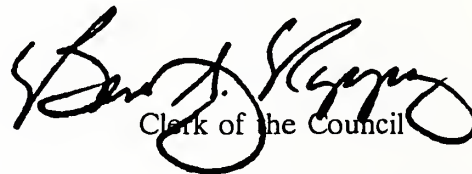
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 27th day of April, 1992.

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)