

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 8, 1993**

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 7:09 p.m. on Monday, November 8, 1993, with Councillor SerVaas presiding.

The President invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

27 PRESENT: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
2 ABSENT: Black, Rhodes
[Clerk's Note: Councillor Rhodes arrived at 7:15 p.m.]

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Hinkle introduced Patrolman Scott Baldwin and read the following letter:

November 8, 1993

To Patrolman Scott Baldwin:

We, the following Indianapolis City-County Councillors learned about your act of kindness by finding a replacement puppy for an eleven-year-old boy whose pet dog was killed. An Indianapolis policeman's work is very busy these days with runs, paperwork, training and a host of other obligations. But through it all, this act of friendship from one human being to another, reflects great credit upon the police department--and upon yourself as a caring individual.

Good job, well done, Officer Baldwin.

Bill Dowden
Mary Bridget Moriarty
Timothy M. Mullin
Maggie Brents
Carlton Curry
Paul H. Jones
Rozelle Boyd
Toby McClamroch
Linda Beadling
Betty Ruhmkorff
Beulah Coughenour
Stuart W. Rhodes
Cory E. O'Dell
Gordon Gilmer

Susan Williams
Monroe Gray, Jr.
Randy J. Shambaugh
Jeffrey L. Golc
Frank T. Short
Phil Hinkle
D. T. Smith
Ron V. Franklin
Steve West
Ken Giffin
Beurt SerVaas
Bill Schneider
Philip C. Borst

Officer Baldwin expressed his appreciation for the recognition.

Councillor Short recognized Dan Cartwright, Chairman of the Indianapolis Public Transportation Corporation Board, and Mr. Cartwright's daughter. Councillor Short introduced his son Tommy.

Councillor Gilmer recognized Officer Jerry Young, a twenty-eight year member of the Indianapolis Police Department.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified 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, November 8, 1993, 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

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

Ladies and Gentlemen:

Re: Proposal No. 320, 1993 - General Ordinance No. 97, 1993

J. June Dugan, Administrator, Neighborhood and Development Services Division, Department of Metropolitan Development, certified that the Metropolitan Development Commission at its August 18, 1993 meeting approved G.O. No. 97, 1993 (Commercial Zoning Revisions) as amended by the Council on July 12, 1993.

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

November 8, 1993

October 26, 1993

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 Thursday, October 28, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 588, 590, 591, 592, 594 and 595, 1993, to be held on Monday, November 8, 1993, at 7:00 p.m., in the City-County Building.

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

October 28, 1993

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. 79, 1993 - appropriating \$25,600 for the Domestic Relations Counseling Bureau, acting as subgrantee for the Indiana Criminal Justice Institute, to pay personnel expenses for the Visiting Nurse Service

FISCAL ORDINANCE NO. 80, 1993 - appropriating \$4,700,000 for the Department of Transportation, Asset Management Division, to cover the expense of resurfacing approximately fifty lane miles of streets and of implementing a county-wide inventory of signals, streets and culverts

FISCAL ORDINANCE NO. 81, 1993 - appropriating \$421,000 for the Department of Transportation, Operations Division, to replace 1993 funds which were used to pay 1992 residential thoroughfare and traffic energy bills

FISCAL ORDINANCE NO. 82, 1993 - appropriating \$370,000 for the County Sheriff to cover food expense for the jail inmates through the end of the year

FISCAL ORDINANCE NO. 83, 1993 - appropriating \$18,100 for the Superior Court, Criminal Division, Probation Department, to cover postage, supplies and telephone service expenses

FISCAL ORDINANCE NO. 84, 1993 - appropriating \$47,189 for the County Sheriff to continue the Victim Assistance Program funded by a state grant

FISCAL ORDINANCE NO. 85, 1993 - appropriating \$23,283 for the County Sheriff to continue the Child Abuse Intervention Program funded by a state grant

FISCAL ORDINANCE NO. 86, 1993 - appropriating \$30,703 for the Marion County Justice Agency to initiate a Pre-Trial Drug Testing program funded by a state grant

FISCAL ORDINANCE NO. 87, 1993 - appropriating \$3,500 for the Superior Court, Criminal Division, Probation Department, to pay for processing urine samples

FISCAL ORDINANCE NO. 89, 1993 - reallocating \$201,807 from the E-911 Fund to the Police General Fund and \$38,005 from the E-911 Fund to the Fire General Fund

FISCAL ORDINANCE NO. 91, 1993 - transferring and appropriating \$592,826 for the Department of Transportation, Operations Division, to cover overtime expenses and additional salary expense due to contracts won by DOT

FISCAL ORDINANCE NO. 92, 1993 - transferring and appropriating \$241,473 for the Department of Transportation, Operations Division, to cover salaries and repealing Fiscal Ordinance No. 59, 1993

GENERAL ORDINANCE NO. 144, 1993 - amending the Revised Code concerning the rules of the City-County Council

GENERAL ORDINANCE NO. 145, 1993 - amending the Code by authorizing intersection controls for Liberty Creek subdivision (District 1)

GENERAL ORDINANCE NO. 146, 1993 - amending the Code by authorizing intersection controls for Hunters Crossing subdivision (District 5)

GENERAL ORDINANCE NO. 147, 1993 - amending the Code by authorizing intersection controls for Potomac Place subdivision (District 5)

GENERAL ORDINANCE NO. 148, 1993 - amending the Code by authorizing intersection controls for Warren Woods subdivision (District 5)

GENERAL ORDINANCE NO. 149, 1993 - amending the Code by authorizing intersection controls for Warren Lakes subdivision (District 5)

GENERAL ORDINANCE NO. 150, 1993 - amending the Code by authorizing a traffic signal at 86th Street and Commerce Park Place (District 1)

GENERAL ORDINANCE NO. 151, 1993 - amending the Code by authorizing a traffic signal for Coe Street (Wishard Hospital) and University Boulevard approximately 600 feet south of Indiana Avenue (District 16)

GENERAL ORDINANCE NO. 152, 1993 - amending the Code by authorizing a traffic signal for the east entrance to North Willow Mall on West 86th Street (District 3)

GENERAL ORDINANCE NO. 153, 1993 - amending the Code by authorizing a multi-way stop at the intersection of Delaware Street and 57th Street (District 7)

GENERAL ORDINANCE NO. 154, 1993 - amending the Code authorizing a multi-way stop at the intersection of Millersville Road and 42nd Street (District 11)

GENERAL ORDINANCE NO. 155, 1993 - amending the Code by authorizing a 25 mph speed limit on Deer Creek Drive from 52nd Street to 56th Street (District 9)

SPECIAL ORDINANCE NO. 13, 1993 - approving a loan agreement and a note between the City and the Local Public Improvement Bond Bank in the amount of \$20,000,000 and appropriating said funds (Barrett projects)

SPECIAL RESOLUTION NO. 70, 1993 - remembering Lynn Druding

SPECIAL RESOLUTION NO. 71, 1993 - recognizing Raymond F. Benjamin and the St. Vincent de Paul Society

SPECIAL RESOLUTION NO. 72, 1993 - requesting the main meeting room of Krannert Park Family Center be named the Dwight L. Cottingham Room

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

Councillor Dowden stated that a class action suit has been brought against the Marion County Clerk in Federal Court concerning the Clerk's method in processing support payments. Over 52,000 people send support money into the Clerk which is then forwarded to the spouses to whom it belongs. The Clerk holds a check that is written on an in-state bank for ten days and an out-of-state check for twenty days to make sure the check clears. During that period of time the money is in a trust fund and draws interest. This interest amounts to approximately \$200,000 a year which is deposited into the County General Fund and used to defray other expenses of the County. The Clerk has been ordered to repay the interest earned on the support money since August 1991 to the proper recipients. Also any interest that accrues on support money in the future must be passed along to the recipients. In the future, the Clerk will only accept certified checks, money orders or cash; the Clerk will not accept any more personal checks. Councillor Dowden said that he believes it is an unfortunate case that was brought against the Clerk and it will have a serious impact on the people who are waiting for their child support payments and on the taxpayers in Marion County.

Councillor Coughenour asked for a point of personal privilege. She said that she believed it is time to recognize the accomplishments of Councillor Stuart Rhodes. The following is a list of his activities with the Association of Indiana Counties, Inc. (AIC): Board of Directors, 1988-present; East Central District Vice President, 1988-1989; East Central District President, 1989-1990; AIC Treasurer, 1990; Third Vice President, 1991; Second Vice President, 1992; First Vice President, 1993; President-Elect, 1994; Legislative Committee, 1986-1990; Insurance Committee, 1989; Conference Site Selection Committee, 1991; and Conference Host Committee Chairman, 1992.

Councillor Rhodes expressed his appreciation for the recognition. He said that he is looking forward to 1994 as President of AIC. Part of his duties is to visit with all of the county councils throughout the state. He said sometime next year he will have to have an official visit with this Council.

The President said that Indianapolis and Marion County have been well represented in both state and national councils by Councillors West, Coughenour, Boyd and Rhodes.

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 October 25, 1993. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 630, 1993. This proposal, sponsored by Councillor Hinkle, recognizes the Ben Davis "Marching Giants" Band. Councillors Brents, Giffin and Golc joined Councillor Hinkle at the podium. Councillor Hinkle read the resolution and presented a copy of the document to Band Director Jim Butz, who expressed appreciation for the recognition. Also present were Assistant Director Gary Wishmeyer, Drum Majors Reggie Edwards, Alison Lee, Nathan Johnson and Christa Barnhard, and Guard Captain Ginny Hurm. Councillor Hinkle moved, seconded by Councillor Giffin, for adoption. Proposal No. 630, 1993 was adopted by unanimous voice vote.

Proposal No. 630, 1993 was retitled SPECIAL RESOLUTION NO. 73, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 1993

A SPECIAL RESOLUTION recognizing the Ben Davis Marching Giants band.

WHEREAS, the Ben Davis High School Marching Giants band has a long tradition of excellence; and

WHEREAS, with over 300 members it is the largest band in Indiana, it has won the Indiana State Field Show Championships nine times since 1976, it has won the Indiana State Fair Marching Contest five times, and it has not ranked lower than fifth place in any state competition since 1960; and

WHEREAS, the Marching Giants have performed before six U.S. Presidents, has represented the State of Indiana in the 1960 and 1984 Presidential Inaugurations, has marched in numerous major parades in America and Europe including five times in the Tournament of Roses Parade in Pasadena, and has been in the "500" Festival Parade every third year since 1957; and

WHEREAS, Ben Davis' newest laurel was First Place in the large school Class A Division of the annual Indiana State School Music Association finals in the Hoosier Dome on October 23, 1993; 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 proudly recognizes the premier Ben Davis High School Marching Giants band.

SECTION 2. The band has an enviable tradition, but those honors must be earned anew by each individual student member doing his and her best at each performance.

SECTION 3. The Council applauds the supportive Ben Davis band parents, the school administration, Band Director Jim Butz, Assistant Directors Gary Wishmeyer and Gary Fields, "Marching Giants" staff Al Temby, Don Hill, Craig Waltz, Jennifer Rolfson, Jeff Wroblewski, Sandra Butz, Dale Rolfson, David Hood, Candi Maynard and Shirley Wilbur, Drum Majors Reggie Edwards, Alison Lee, Nathan Johnson and Christa Barnhart, and Guard Captain Ginny Hurm.

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. 631, 1993. This proposal, sponsored by Councillors Williams and Moriarty, recognizes Henry Leuman and Bob Meyers. Councillor Williams introduced Dean Black, City employee and Chairman of the 1993 Grand Masquerade, which is a benefit for the Damien Center. Mr. Black explained that his briefcase was stolen from his car containing all of the planning materials for the Grand Masquerade as well as over \$4,000 in donations to the Damien Center. Messrs. Leuman and Meyers found the briefcase and returned everything to Mr. Black. Mr. Black will present copies of this resolution to Messrs. Leuman and Meyers at a later date. Councillor Moriarty moved, seconded by Councillor Williams, for adoption. Proposal No. 631, 1993 was adopted by unanimous voice vote.

Proposal No. 631, 1993 was retitled SPECIAL RESOLUTION NO. 74, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 74, 1993

A SPECIAL RESOLUTION recognizing Henry Leuman and Bob Meyers.

WHEREAS, the Damien Center is a not-for-profit human services agency which provides HIV-AIDS education, counseling and care coordination to more than 1,600 Hoosiers who are affected with HIV-AIDS; and

WHEREAS, each year Friends of the Damien Center sponsors the Grand Masquerade fund raising event to benefit the Damien Center; and

WHEREAS, on the evening of Monday, October 18, 1993, a briefcase was stolen from the automobile of Dean A. Black, Chairman of the 1993 Grand Masquerade; and

WHEREAS, the stolen briefcase contained all of the planning materials for the Grand Masquerade as well as over \$4,000 in donations to the Damien Center; and

WHEREAS, the next morning Henry Leuman and Bob Meyers found the stolen briefcase in a nearby alley and returned all the contents to Mr. Black; now, therefore:

November 8, 1993

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

SECTION 1. The Indianapolis City-County Council recognizes the integrity, honesty and good citizenship demonstrated by Henry Leuman and Bob Meyers for discovering and returning stolen gifts to volunteers who were assisting the Damien Center.

SECTION 2. It is because of attitudes and people like these two men that Indianapolis continues to be a great city.

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. 632, 1993. This proposal, sponsored by Councillor Coughenour, recognizes the latest cost-saving project by Indianapolis' Advanced Wastewater Treatment staff. Councillor Coughenour read the resolution and presented copies of the document to Michael Stayton, Director, Department of Public Works, and Carel Adriaans, P.E. Senior Engineer with the Facility Engineering Group, who expressed appreciation for the recognition. Also present were Dottie Adriaans, Rick Farnum, Joe Thaxson and Joe Watson. Councillor Coughenour moved, seconded by Councillor West, for adoption. Proposal No. 632, 1993 was adopted by unanimous voice vote.

Proposal No. 632, 1993 was retitled SPECIAL RESOLUTION NO. 75, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 1993

A SPECIAL RESOLUTION recognizing the latest cost-saving project by Indianapolis' Advanced Wastewater Treatment staff.

WHEREAS, the effective and efficient treatment of wastewater is important for both the environment and the protection of human health; and

WHEREAS, part of the process of modern wastewater treatment in Indianapolis is the transfer of up to 700 tons per day of partially solid sludge cake to the incinerators; and

WHEREAS, the Indianapolis Advanced Wastewater Treatment facilities Engineering Group and Operations Maintenance staff recently finished a three-phase project to improve the process of conveying the sludge cake; and

WHEREAS, working with in-house AWT staff and an outside contractor the project is now complete; operating and maintenance costs are expected to be reduced from \$400,000 down to only \$50,000 a year; and the project won a statewide recognition award; 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 all those who were involved with the award-winning Advanced Wastewater Treatment sludge cake conveyance modernizing project.

SECTION 2. The Council specifically commends Carel Adriaans, P.E., Senior Engineer with the Facility Engineering Group, each member of the Facility Engineering Group, the AWT Operations Maintenance staff and the outside construction firm Maddox Industrial Contractors, Inc.

SECTION 3. All Indianapolis citizens can be proud of this newest example of AWT staff initiative, industry and skill.

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. 633, 1993. This proposal, sponsored by Councillor Beadling, recognizes the 75th anniversary of World War I. Councillor Beadling said that she will present the resolution on Veterans Day. Councillor Beadling moved, seconded by Councillor West, for adoption. Proposal No. 633, 1993 was adopted by unanimous voice vote.

Proposal No. 633, 1993 was retitled SPECIAL RESOLUTION NO. 76, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 76, 1993

A SPECIAL RESOLUTION recognizing the 75th anniversary of World War I.

WHEREAS, seventy-five years ago, in 1917, the U.S. declared war on Kaiser Wilhelm II's government, and entered the terrible conflict which Europe had already been suffering since 1914; and

WHEREAS, a whole new vocabulary soon entered into American's conversations: Liberty Bonds, Pershing, trench warfare, machine guns, aeroplanes, mustard gas, Alvin York, doughboys, Kaiser Bill, U-boats and others; and

WHEREAS, by the time the cease fire Armistice took effect on the eleventh hour of the eleventh day of the eleventh month of 1918, Indianapolis and Marion County had lost 387 of its sons and daughters to the conflict; and

WHEREAS, a special Grove of Remembrance for those local heroes was dedicated at Garfield Park in 1920, and was refurbished in 1991 by the Indianapolis Department of Parks and Recreation to properly remember the supreme sacrifice made by these 387 souls; 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 all those who answered America's call during World War I.

SECTION 2. Today approximately 80 World War I veterans and 240 widows reside in Indianapolis; and the Veterans Administration is issuing a new World War I 75th Anniversary Commemorative Medal to renew the national appreciation for their service lo so many years ago.

SECTION 3. Indianapolis does not forget, and the Council calls upon all residents to pause to remember the disrupted lives and sacrifices given by the veterans of the First World War.

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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 613, 1993. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving the issuance of City of Indianapolis, Indiana Multi-family Housing Revenue Bonds (Sunrise Apartments Project) Series 1993A, Series 1993B and Series 1993C in a total aggregate principal amount not to exceed \$6,000,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 617, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE approving reductions in proposed

expenditures since the adoption of the 1993 City-County Annual Budget in the amount of \$13,757,224"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 618, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE approving reductions in proposed expenditures since the adoption of the 1993 Police Special Service District Annual Budget in the amount of \$1,454,727"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 619, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE approving reductions in proposed expenditures since the adoption of the 1993 Fire Special Service District Annual Budget in the amount of \$1 million"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 620, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$90,500 for the City Controller to cover the costs of converting to a new computer system for the Barrett Law section"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 621, 1993. Introduced by Councillors Rhodes and McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$1,520 for the Washington Township Assessor to purchase computer software"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 622, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE revising the enforcement procedures for civil zoning violations in order to comply with state statute, by making certain violations subject to admission and payment through the Ordinance Violations Bureau, in lieu of citations with increasing fine amounts"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 623, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$12,837 for the Court Administrator to cover construction costs for the new Court Administrator Agency which will be located in Suite 341T in the City-County Building"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 624, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$100,000 for the Department of Public Works, Solid Waste Management Division, to cover overtime salaries incurred with the 1993 Fall Leaf Program"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 625, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code dealing with the imposition of the solid waste disposal user fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 626, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by extending the current sewer service and user rates through January and February 1994"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 627, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by increasing air pollution control construction permit and operating permit fees for 1994"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 628, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$187,175 for the Department of Transportation, Operations Division, to cover the bids won by the Maintenance Division plus the remaining balance in the Opportunity Account"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 629, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the Department of Transportation to lease its Civil Engineering Lab to Snell Environmental Group, Inc."; and the President referred it to the Transportation Committee.

PROPOSAL NO. 634, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing David Mark Bowell to the Marion County Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 635, 1993 . Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code to add certain provisions respecting the Marion County Public Defender Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 643, 1993 . Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$44,000 to the Marion County Public Defender Agency to pay public defender salaries for the Marion County Drug Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Giffin stated that he was not present at the Economic Development Committee meeting on November 3, 1993, so Councillor Ruhmkorff will give the Committee report on Proposal Nos. 614, 615 and 616, 1993.

PROPOSAL NO. 614, 1993. Councillor Ruhmkorff reported that the Economic Development Committee heard Proposal No. 614, 1993 on November 3, 1993. The proposal authorizes the amendment of S.R. No. 59, 1993 adopted on September 13, 1993 as an inducement resolution for Sure Start, Inc. to acquire and renovate the existing Mallory facility located at 4760 Kentucky Avenue. By a 4-0 vote, the Committee reported the proposal to the Council with

the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Smith, for adoption. Proposal No. 614, 1993 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

4 NOT VOTING: Borst, Moriarty, Mullin, Rhodes

1 NOT PRESENT: Black

Proposal No. 614, 1993 was retitled SPECIAL RESOLUTION NO. 77, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 77, 1993

A SPECIAL RESOLUTION amending City-County Special Resolution No. 59, 1993 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, Sure Start, Inc. (the "Prior Applicant") previously advised the Indianapolis Economic Development Commission and the Issuer that it proposed that the Issuer either acquire certain economic development facilities and sell or lease the same to the Prior Applicant or loan the proceeds of an economic development financing to the Prior Applicant for the same, said economic development facilities consist of the acquisition, renovation, installation and equipping of an existing building containing approximately 134,000 square feet located at 4760 Kentucky Avenue, Indianapolis, Marion County, Indiana on approximately 18 acres of land which will be used in the Prior Applicant's business of manufacturing starters, generators and alternators for the automotive aftermarket; the acquisition of machinery, equipment and furnishings for uses in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the Issuer adopted its Special Resolution No. 59, 1993 (the "Inducement Resolution") concerning the Project;

WHEREAS, Exide Corporation (the "Current Applicant") owns approximately eighty percent (80%) of the stock of the Prior Applicant and the Prior Applicant and the Current Applicant have requested that the Inducement Resolution be amended by substituting the Current Applicant for the Prior Applicant to reflect that the Prior Applicant will now become a division of the Current Applicant;

WHEREAS, the description of the Project and its benefits as described in the Inducement Resolution remains unchanged in all other respects;

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (the retention of one hundred thirty (130) jobs and the creation of approximately sixty-eight (68) jobs by the end of one year and one hundred sixty-two (162) jobs by the end of three (3) years) and the creation of business opportunities to be achieved by the acquisition, renovation, 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;

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

WHEREAS, it presently does not appear that the acquisition, renovation, installation and equipping of the Project will 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. The Inducement Resolution is hereby amended by deleting the name "Sure Start, Inc." in the first line of the second WHEREAS clause and inserting in lieu thereof the name "Exide Corporation."

SECTION 2. The Inducement Resolution, except as amended by Section 1 hereof, remains unchanged and all of the remaining aspects of the Inducement Resolution are confirmed and reaffirmed.

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

PROPOSAL NO. 615, 1993. Councillor Ruhmkorff reported that the Economic Development Committee heard Proposal No. 615, 1993 on November 3, 1993. The proposal is an inducement resolution for Forest City Residential Development, Inc. ("Forest City") in an amount not to exceed \$10,355,000 for the acquisition, construction, renovation, installation and equipping of the existing 520 units multi-family residential rental project known as Knob in the Woods Apartments located at 2130 Waterford Place. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Jones, for adoption. Proposal No. 615, 1993 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

3 NOT VOTING: Borst, Moriarty, Williams

1 NOT PRESENT: Black

Proposal No. 615, 1993 was retitled SPECIAL RESOLUTION NO. 78, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 1993

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

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

WHEREAS, Forest City Residential Development, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, renovation, installation and equipping of the existing 520 unit multifamily residential rental project known as Knob in the Woods Apartments located at 2130 Waterford Place, Indianapolis, Indiana on approximately 66 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (eighteen (18) jobs at the end of one year and three years plus the creation of a construction job payroll over the renovation period) and the creation of business opportunities to be achieved by the acquisition, construction, renovation, 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;

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;

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

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention and creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention and 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 Eleven Million One Hundred Thousand (\$11,100,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, renovation, 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, renovation, 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, renovation, 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 May 31, 1994, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

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

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

PROPOSAL NO. 616, 1993. Councillor Ruhmkorff reported that the Economic Development Committee heard Proposal No. 616, 1993 on November 3, 1993. The proposal is an inducement resolution for Quinn I, Limited Partnership ("Quinn") in an amount not to exceed \$4,000,000 for the acquisition, construction, renovation, installation and equipping of the

existing 330 unit multi-family residential rental project known as The Meadows Apartments located at 4006 Meadows Drive. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Giffin, for adoption. Proposal No. 616, 1993 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

3 NOT VOTING: Borst, Moriarty, Williams

1 NOT PRESENT: Black

Proposal No. 616, 1993 was retitled SPECIAL RESOLUTION NO. 79, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 1993

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

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

WHEREAS, Quinn I, Limited Partnership (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, renovation, installation and equipping of the existing 330 unit multifamily residential rental project known as The Meadows Apartments located at 4006 Meadows Drive, Indianapolis, Indiana on approximately 10.31 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment (fourteen (14) jobs at the end of one year and three years plus the creation of a construction job payroll over the renovation period) and the creation of business opportunities to be achieved by the acquisition, construction, renovation, 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;

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;

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

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention and creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the retention and 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 Dollars (\$4,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, renovation, 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, renovation, 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, renovation, 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 May 31, 1994, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, renovation, 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 such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (TD 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section I.150-2.

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

PROPOSAL NOS. 636-642, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 5, 1993".

Councillor Rhodes stated that he has been informed by Robert G. Elrod, General Counsel, that there is no provision in the law for him to cast a negative vote against one of the rezoning ordinances [Proposal No. 636, 1993] but he could register his protest. The property that the developers are seeking to rezone is not in his district so he cannot request it be scheduled for a public hearing. This case is similar to one which occurred about a year ago that the Council had a hearing on which was in his district. The developers are the same developers and had said that the property would be a taxable property and would add to the tax base, and their major tenant would be Methodist Hospital. As it turned out, Methodist Hospital owns the facility and their first act after their petition was approved was to ask for a complete tax exemption on the land. Due to the protests submitted by the neighborhood, township assessor and a number of others, Methodist Hospital was only granted a 66% tax exempt status. He

feels the same thing will happen in this case on the southside. This facility will be no more than medical offices with laboratories supporting them. Other private physicians have group practices with medical offices and laboratories and they must pay their full share of taxes. Councillor Rhodes said that this is a legal loophole which must be addressed in the state legislature.

Councillor Borst said that Methodist Hospital has told him that this facility on the southside will be paying anywhere from \$50,000 to \$100,000 in property tax per year.

The Council did not schedule Proposal Nos. 636-642, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 636-642, 1993 were retitled REZONING ORDINANCE NOS. 154-160, 1993 and are identified as follows:

REZONING ORDINANCE NO. 154, 1993. 93-Z-126 (Amended) PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 25.

8824 SOUTH MERIDIAN STREET, INDIANAPOLIS.

MICHAEL F. WILEY, by Mary E. Solada, requests the rezoning of 12.1 acres, being in the D-A District, to the C-1 classification to provide for a medical office building and out-patient surgery center.

REZONING ORDINANCE NO. 155, 1993. 93-Z-139 WAYNE TOWNSHIP.

COUNCILMANIC DISTRICT # 18.

7814 WEST 21st STREET (approximate address), INDIANAPOLIS.

MELODY COMMUNITIES, INC. requests the rezoning of 19.99 acres, being in the D-A and SU-34 Districts, to the D-5 classification to provide for residential development.

REZONING ORDINANCE NO. 156, 1993. 93-Z-145 (DP-12) WARREN TOWNSHIP.

COUNCILMANIC DISTRICT # 12.

1622-1712 NORTH CUMBERLAND ROAD (approximate address), INDIANAPOLIS.

JUSTICE DEVELOPMENT AND INVESTMENT, INC., by Thomas Michael Quinn, requests the rezoning of 17.36 acres, being in the D-A District, to the D-P classification to provide for residential development consisting of duplex structures with 78 dwelling units.

REZONING ORDINANCE NO. 157, 1993. 93-Z-147 WASHINGTON TOWNSHIP.

COUNCILMANIC DISTRICT # 3.

9375-9405 WHITLEY DRIVE (approximate address), INDIANAPOLIS.

REINBOLD REALTY, INC., by Philip A. Nicely, requests the rezoning of 9.8 acres, being in the C-1 and C-S District, to the C-S classification to provide for expansion of an existing automobile sales establishment.

REZONING ORDINANCE NO. 158, 1993. 93-Z-154 CENTER TOWNSHIP.

COUNCILMANIC DISTRICT # 10.

4503 MASSACHUSETTS AVENUE (approximate address), INDIANAPOLIS.

INDIANAPOLIS FRUIT COMPANY, INC., by Mary E. Solada, requests the rezoning of 1.317 acres, being in the SU-18 District, to the I-4-U classification to provide for the expansion of an existing warehouse, processing and distribution facility.

REZONING ORDINANCE NO. 159, 1993. 93-Z-156 WARREN TOWNSHIP.

COUNCILMANIC DISTRICT # 13.

9345 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.

BURGE TERRACE BAPTIST CHURCH, INC. requests the rezoning of 29.888 acres, being in the D-A and SU-I Districts, to the SU-1 classification to provide for church use.

REZONING ORDINANCE NO. 160, 1993. 93-Z-160 CENTER TOWNSHIP.

COUNCILMANIC DISTRICT # 22.

2820 NORTH MERIDIAN STREET (approximate address), INDIANAPOLIS.

Donald Barr requests the rezoning of 4.89 acres, being in the C-S/RC District, to the C-S/RC classification to provide for the training of students, resident housing, religious activities, counseling services and other similar activities.

PROPOSAL NO. 605, 1993. The proposal is a rezoning ordinance for Wayne Township, Councilmanic District 16, 2940 Cold Spring Road (approximate address). Proposal No. 605, 1993 was certified by the Metropolitan Development Commission on October 22, 1993. On October 25, 1993 the Council voted to schedule a public hearing for November 8, 1993. Councillor Brents made the following announcement:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 30th and Cold Springs Road have reached a compromise and it will not be necessary to have a hearing on this matter, therefore

I move that Proposal No. 605, 1993 (Rezoning Docket No. 93-Z-116 DP-11) be adopted incorporating therein the additional commitments dated November 8, 1993, designated as "Addendum to Special Commitments concerning Development of Riverside Place Apartments."

s/Maggie Brents

The President said that he received a letter from Charles Sleetwood, President of the West Thirtieth-Kessler Neighborhood Association, stating that with the revised commitments his neighborhood association can now support the petitioner in this rezoning request.

Councillor Brents' motion was seconded by Councillor Moriarty and passed by unanimous voice vote.

Councillor Gilmer applauded Councillor Brents' work on this matter and also recognized Philip Trasher, attorney for the petitioner, who also worked hard on this compromise.

Proposal No. 605, 1993 was retitled REZONING ORDINANCE NO. 161, 1993 and is identified as follows:

93-Z-116 (DP-11) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 16.
2940 COLD SPRING ROAD (approximate address), INDIANAPOLIS.
RIVERSIDE PLACE L.P.-1992, by Philip C. Thrasher, requests the rezoning of 12.509 acres, being in the D-6II and C-1 Districts, to the D-P classification to provide for a 152 apartment unit development with a community building to be used as a daycare facility.

PROPOSAL NO. 549, 1993. The proposal appropriates \$350,000 for the Marion County Healthcare Center to cover additional nursing staff salaries and to pay supplies, patient services and computer repair expenses. Councillor Ruhmkorff asked for consent to postpone Proposal No. 549, 1993 until November 22, 1993. Consent was given.

PROPOSAL NO. 550, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 550, 1993 on November 2, 1993. The proposal appropriates \$15,482 for the County Recorder to cover a 1992 remodeling cost and a payment on the Wang equipment with moneys appropriated in 1992, but not encumbered. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 550, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 550, 1993 was retitled FISCAL ORDINANCE NO. 93, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Fifteen Thousand Four Hundred Eighty-two Dollars (\$15,482) in the Recorder's Perpetuation Fund for purposes of the County Recorder and reducing the unappropriated and unencumbered balance in the Recorder's Perpetuation Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (h) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Recorder to utilize money that was originally appropriated but not encumbered in 1992, and was paid out in 1993.

SECTION 2. The sum of Fifteen Thousand Four Hundred eighty-two Dollars (\$15,482) 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 RECORDER</u>	<u>RECORDER'S PERPETUATION FUND</u>
3. Other Services and Charges	\$ 6,982
4. Capital Outlay	<u>8,500</u>
TOTAL INCREASE	\$15,482

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

	<u>RECORDER'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Recorder's Perpetuation Fund	<u>\$15,482</u>
TOTAL REDUCTION	\$15,482

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

PROPOSAL NO. 551, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 551, 1993 on November 2, 1993. The proposal appropriates \$12,600 for the County Recorder to cover postage and telephone expenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Gilmer, for adoption. Proposal No. 551, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: *Brents, Franklin, Giffin, Schneider*

1 NOT PRESENT: *Black*

Proposal No. 551, 1993 was retitled FISCAL ORDINANCE NO. 94, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 94, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Twelve Thousand Six Hundred Dollars (\$12,600) in the County General Fund for purposes of the County Recorder and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (h) and (b) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Recorder to pay for postage and telephone services.

SECTION 2. The sum of Twelve Thousand Six Hundred Dollars (\$12,600) 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 RECORDER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$12,600</u>
TOTAL INCREASE	\$12,600

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$12,600</u>
TOTAL REDUCTION	\$12,600

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

PROPOSAL NO. 588, 1993. The proposal appropriates \$25,000 for the County Auditor to provide funds for the Indianapolis Challenge, a local coordinating council promoting a drug-free community. Councillor Rhodes asked for consent to postpone Proposal No. 588, 1993 until November 22, 1993. Consent was given.

PROPOSAL NO. 590, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 590, 1993 on November 1, 1993. The proposal appropriates \$28,702 for the County Coroner to satisfy an outstanding obligation for contractual services rendered in December of 1992 by University Clinical Pathology Associates, P.C. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:17 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 590, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Black*

Proposal No. 590, 1993 was retitled FISCAL ORDINANCE NO. 95, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 95, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Twenty-eight Thousand Seven Hundred Two Dollars (\$28,702) in the County General Fund for purposes of the County Coroner and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (g) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Coroner to reimburse University Clinical Pathology Associates for services rendered during December of 1992.

SECTION 2. The sum of Twenty-eight Thousand Seven Hundred Two Dollars (\$28,702) 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 CORONER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$28,702</u>
TOTAL INCREASE	\$28,702

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>\$28,702</u>
TOTAL REDUCTION	\$28,702

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

PROPOSAL NOS. 591, 592, 594 and 595, 1993. PROPOSAL NO. 591, 1993. The proposal appropriates \$128,134 for the Prosecuting Attorney to continue the Victim Assistance Program funded by a state grant. PROPOSAL NO. 592, 1993. The proposal reallocates \$312,021 to fund the 1993 budget of the Supplemental Public Defender Fees Fund. PROPOSAL NO. 594, 1993. The proposal appropriates \$173,560 for Community Corrections to finance additional home detention units and residential beds funded by a state grant. PROPOSAL NO. 595, 1993. The proposal appropriates \$150,666 of Home Detention User Fees for the Community Corrections Agency for operating expenses for the 1993-94 fiscal year. Councillor Dowden asked for consent to postpone Proposal Nos. 591, 592, 594 and 595, 1993 until November 22, 1993. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 305, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 305, 1993 on November 1, 1993. The proposal, sponsored by Councillor Boyd, establishes a Task Force on Consultant Policies. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

Councillor Boyd stated he agrees that this proposal can be stricken since the purpose of this proposal was incorporated into Proposal No. 400, 1993 (G.O. No. 144, 1993).

Councillor Rhodes moved, seconded by Councillor Boyd, to strike. Proposal No. 305, 1993 was stricken by unanimous voice vote.

PROPOSAL NO. 375, 1993. Councillor Ruhmkorff reported that the Community Affairs Committee heard Proposal No. 375, 1993 on October 27, 1993. The proposal appropriates \$66,900 for the Office of the Controller for a grant to Marion County Commission on Youth, Inc. and reducing the appropriation from the Youth and Family Services Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Ruhmkorff moved, seconded by Councillor McClamroch, to strike. Proposal No. 375, 1993 was stricken by unanimous voice vote.

PROPOSAL NO. 589, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 589, 1993 on November 1, 1993. The proposal transfers and appropriates \$2,500 for the Franklin Township Assessor to purchase new plat books. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Short, for adoption. Proposal No. 589, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Giffin

1 NOT PRESENT: Black

Proposal No. 589, 1993 was retitled FISCAL ORDINANCE NO. 96, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 96, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Two Thousand Five Hundred Dollars (\$2,500) in the Property Reassessment Fund for purposes of the Franklin Township Assessor and reducing certain other appropriations for that office.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (p) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Franklin Township Assessor to purchase new plat books and pages.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>FRANKLIN TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	<u>\$2,500</u>
TOTAL INCREASE	\$2,500

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

<u>FRANKLIN TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
4. Capital Outlay	<u>\$2,500</u>
TOTAL REDUCTION	\$2,500

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

PROPOSAL NO. 602, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 602, 1993 on November 1, 1993. The proposal amends Secs. 8½-2 and 8½-61 of the Code pertaining to definitions and subscribers' rates and charges for cable television services. This proposal states that the City wants to exercise its rights under the new Federal Communication Commission (F.C.C.) regulations to have the Cable Franchise Board review and regulate local cable rates. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst asked why the Cable Franchise Board is conducting the review of rates instead of the Council.

Robert G. Elrod, General Counsel, stated that primarily because under the F.C.C. rules there is not enough time for the Council to do it. F.C.C. has set up a rather complicated procedure whereby rate charges have to be checked, benchmarks have to be checked and an order made all within thirty days of an initial filing.

Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 602, 1993, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Giffin

1 NOT PRESENT: Black

Proposal No. 602, 1993, as amended, was retitled GENERAL ORDINANCE NO. 156, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 156, 1993

A GENERAL ORDINANCE amending Secs. 8½-2 and 8½-61 of the Code pertaining to definitions and subscribers' rates and charges.

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

SECTION 1. Secs. 8½-2 and 8½-61 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text and deleting the stricken-through text as follows:

Sec. 8½-2. Definitions.

As used in this chapter:

- (a) The term "the Act" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, an amendment to the Communications Act of 1934 (47 U.S.C. Section ~~601~~ 521 et seq.) as the same may be amended or supplemented from time to time;
- (b) The term "affiliate," when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person;
- (c) The term "board" means the cable franchise board of the city, created by section ~~8½-138~~ 285-111 of ~~this chapter~~ the Revised Code of the Consolidated City and County;
- (d) The term "cable channel" or "channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the federal communications commission by regulation);
- (e) The term "operator" or "cable operator" means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system and who has been granted a franchise by the city or by any predecessor, governmental officer or organization authorized to grant a franchise.
- (f) The term "cable service" means the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service;
- (g) The term "cable television system," "cable system" or "system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the city, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communication Act of 1934, as amended except that such facility shall be considered a cable system (other than for purposes of Section 621(c) of the Act (47 U.S.C. Section ~~621~~ 541(c)) to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility systems;
- (h) The term "franchise" means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to Section 626 of the Act (427 U.S.C. Section ~~626~~ 546), issued by the city whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction operation of a cable system;
- (i) The term "other programming service" means information that a cable operator makes available to all subscribers generally;
- (j) The term "person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity;
- (k) The term "public, educational, or governmental access facilities" means (A) channel capacity designated for public, educational, or governmental use; and (B) facilities and equipment for the use of such channel capacity;

- (l) The term "public way" means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk path, right-of-way or easement, and any public utility easement or right-of-way dedicated generally for public utility uses;
- (m) The term "subscriber" means any person who contracts or agrees to purchase the regular subscriber service, pay television, or any other service provided by the cable system, and includes anyone actually using such service;
- (n) The term "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station;
- (o) The term "gross accrued revenues" means any and all revenues derived from the cable television operations of grantee under the franchise granted by the city as those terms are defined herein and as reflected in the financial statements of grantee, but specifically excluding (1) any and all taxes or fees on services furnished by the grantee imposed directly on any subscriber or user by any city, county, state or other governmental unit, and collected by the grantee for such entity, (2) any and all interest income from any source attributed to such cable television operations, (3) any and all income derived by grantee from the sale and transfer of cable television assets, and (4) any and all amounts of bad debts from such cable television operations that are written off by grantee;
- (p) The term "clerk of the council" or "clerk" means clerk of the city-county council;
- (q) The term "city" means the Consolidated City of Indianapolis, Marion County, Indiana, a municipal corporation of the State of Indiana.

ARTICLE IV. RIGHTS AND DUTIES OF
OPERATOR AND CUSTOMERS

Sec. 8½-61. Subscribers' rates and charges.

(a) ~~The city may regulate rates and charges to subscribers for signals distributed to~~ To the extent permitted by Section 623 of the Act (47 U.S.C. Section ~~623-543~~) ~~or and any regulations promulgated pursuant thereto by the Federal Communications Commission, (herein F.C.C.), the city shall regulate rates and charges for cable service to subscribers. The authority of the city to regulate such rates and charges is delegated to the cable franchise board, subject to the procedures and limitations of this section.~~

(b) ~~To the extent the city is permitted to regulate rates and charges,~~ The following procedures shall be used to review and approve changes in rates and charges:

- ~~(1) The operator shall follow the procedures specified for changes in rates and charges set forth the operator's franchise contract.~~
- ~~(2) In addition to submitted any amended schedule of rates and charges to the council for approval as required by its franchise contract, the operator shall also submit such schedule to the board for its recommendation to the council. Along with franchise contract, the operator shall also submit such schedule to the board for its recommendation to the council. Along with such amended schedule, the operator shall submit to the board and council evidence showing rates charged by cable television systems providing comparable services in comparable localities and the following financial reports which shall reflect the operations of the system:
 - ~~(i) Balance sheet.~~
 - ~~(ii) Income statement.~~
 - ~~(iii) Cash flow statement.~~
 - ~~(iv) Statement of source of application of funds.~~
 - ~~(v) Detailed supporting schedules of expenses, income, assets and other items as may be required.~~~~

(1) The cable franchise board shall adopt rules and regulations for the review and regulation of rates and charges for cable services provided by franchisees consistent with the requirements of the Act, applicable F.C.C. regulations and this chapter. Because of the deadlines contained in current F.C.C. regulations, the procedures contained in sec. 8½-3 shall not apply to the initial rules and regulations adopted by the cable franchise board pursuant to this paragraph, but such rules and regulations shall be in effect upon adoption by the board, provided that the council may suspend or reject such

regulations by resolution adopted within sixty (60) days of the date of certification of such rules and regulations to the clerk. Subsequent rules and regulations or amendments thereto shall become effective as provided in sec. 8½-3.

- (2) The cable franchise board shall adopt final rate orders in accordance with the rules and regulations adopted by the board. Such orders shall be final upon adoption for purposes of time limits set forth in F.C.C. rules, but may be reviewed by the council upon request by any participating party as set forth in this paragraph. Participating party means the franchisee, the executive secretary of the cable franchise board, and any person who participated orally or by filling written positions with the board in the rate proceedings before the board. Review by the council shall be initiated by filing a request with the clerk directed to the administration and finance committee of the council. Such request shall state briefly the reasons that review is requested and shall be filed within fifteen (15) days of the date of the board's final rate order. Within thirty (30) days of the filing of such request, the administration shall hold a hearing upon the request, which hearing may be continued as deemed appropriate by the committee. The committee may recommend to the council that the final rate order be returned to the board for further proceedings. If the council adopts a resolution returning the order to the board, the board shall hold such additional hearings as appropriate and may either affirm or amend its final rate order. If the order is amended or modified such amended or modified order shall be subject to further review as provided in this paragraph for final rate orders. If the council fails to act upon a final rate order within ninety (90) days of its adoption by the board, the order of the board shall be final, subject only to review as provided by law. Notwithstanding the above, an interested party may appeal the order of the board to the F.C.C. or a court of competent jurisdiction in accordance with F.C.C. rules without seeking review by council.
- ~~(3) The criteria for the board's recommendation and the council's decision shall be the establishment of rates and charges which are fair, reasonable and nondiscriminatory. Fair and reasonable shall mean what is fair and reasonable to both the operator and the subscribers and shall be generally defined as the minimum rates and charges necessary to meet all applicable costs of service, including fair return on all invested capital, all assuming efficient and economical management of the system.~~
- ~~(4) The operator's accounting records applicable to the system shall be available for inspection by the city at all reasonable times. The city shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the operation of this system. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the city with the information needed to make accurate determinations as to the financial condition of the system. All financial statements shall be certified as accurate by an officer of the operator.~~
- ~~(5) Any disagreement between the city and the operator concerning interpretations and calculations of the financial and statistical information provided by the operator may be submitted to a court of competent jurisdiction.~~
- (63) The city reserves the right to review the purchase price of any transfer or assignment of the system, and any assignee to the franchise expressly agrees that any negotiated sale value which the council deems unreasonable will not be considered in the rate base for any subsequent request for service increases.
- ~~(e) The procedures specified in subsection (b) hereof shall apply only to the extent they do not conflict with regulations concerning rates promulgated by the federal communications commission pursuant to Section 623 of the Act (47 U.S.C. Section 623).~~
- ~~(d) Any request for a change in subscriber rates and charges, whether filed under the procedures set forth in subsection (b) hereof or filed pursuant to any other procedures which may apply, shall be deemed to be granted if final action has not been taken by the city on such request within one hundred eighty (180) days after receipt of the request by the board unless the one hundred eighty day period is extended by mutual agreement of the operator and the city.~~
- (ec) Regardless of whether the city regulates or is authorized to regulate rates and charges to subscribers, the operator shall not discriminate as to rates and charges among customers of basic service.
- (fd) In any request for proposals or as a condition of the renewal of existing franchises, the city may require and regulate the installation or rental of equipment which facilitates the reception of basic cable service by hearing-impaired individuals.

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

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of William B. McCray. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to his family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:30 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 8th day of November, 1993.

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)