

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 24, 1997**

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 7:16 p.m. on Monday, November 24, 1997, with Councillor SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Massie recognized southside resident Marjorie Nackenhorst. Councillor Gilmer introduced Bob Bell, writer for the *Indianapolis Star and News*.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 24, 1997, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

November 11, 1997

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, November 12, 1997, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, November 13, 1997, a copy of a Notice of Public Hearing on Proposal Nos. 698, 700, 702-708, and 710-714, 1997, said hearing to be held on Monday, November 24, 1997, at 7:00 p.m. in the City-County Building.

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

November 18, 1997

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* or the *Indianapolis News* on Friday, November 21, 1997, a copy of a Legal Notice of General Ordinance Nos. 181 and 183, 1997.

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

November 14, 1997

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 105, 1997 - approves an increase of \$68,090 in the 1997 Budget of the Marion County Superior Court (State and Federal Grants Fund) to fund Child Advocates funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 106, 1997 - approves an increase of \$117,674 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide two full time Child Interviewers and a full and part time Project Safe Families advocate for women through the Family Advocacy Center funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 107, 1997 - approves an increase of \$156,848 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide victim and protective order advocates in court through the Family Advocacy Center funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 108, 1997 - approves an increase of \$279,318 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to continue the Victim Assistance Program funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 109, 1997 - approves an increase of \$89,708 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to continue funding for the Centers of Hope at St. Vincent and St. Francis Hospitals funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 110, 1997 - approves an increase of \$284,171 in the 1997 Budget of the Community Corrections Agency (Home Detention User Fee Fund) to fund salaries, services, home detention equipment, and supplies for the second half of the 1997/1998 fiscal year

GENERAL ORDINANCE NO. 181, 1997 - provides administrative adjudication of ordinance violations relating to actions harmful to air, land or water

GENERAL ORDINANCE NO. 182, 1997 - authorizes the director of the department of administration to lease City-owned property, pursuant to IC 36-1-11, for the siting of cellular, PCS, or other wireless communications systems towers and related equipment

GENERAL ORDINANCE NO. 183, 1997 - amends the Code and the Revised Code concerning licenses and license procedures

GENERAL ORDINANCE NO. 184, 1997 - adds Midtown Economic Development and Industrial Corporation as an eligible neighborhood development corporation for sales and grants of real property

GENERAL ORDINANCE NO. 185, 1997 - eliminates the requirement that state and federal reimbursement moneys for emergency response teams cannot be paid without an appropriation, and to recodify and reorganize the provisions of the Code regarding appropriations

GENERAL RESOLUTION NO. 10, 1997 - establishes that the City-County Council is interested in making the purchase of a parcel of land for a flood control project within the Pogue's Run watershed

SPECIAL RESOLUTION NO. 82, 1997 - recognizes the public service of retiring Marion County Cooperative Extension Service Director Ned E. Kalb

SPECIAL RESOLUTION NO. 83, 1997 - recognizes the public service of Anne Shane

SPECIAL RESOLUTION NO. 84, 1997 - determines the need to lease office space at 129 East Market Street for the Prosecuting Attorney

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 10, 1997. There being no additions or corrections, the minutes were approved as distributed.

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

1998 Calendar

The President provided a proposed schedule for the 1998 Council hearings. He asked for consent to approve the January meetings as noted in Proposal No. 764, 1997. He stated that the full schedule will be voted on in proposal form at the Council meeting on December 15, 1997.

PROPOSAL NO. 764, 1997. The proposal establishes regular meetings for January 1998. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 764, 1997 was adopted by a unanimous voice vote.

Proposal No. 764, 1997 was retitled COUNCIL RESOLUTION NO. 70, 1997, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 1997

A COUNCIL RESOLUTION establishing regular meetings for January 1998.

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

SECTION I. The City-County Council hereby establishes its meeting dates for January 1998 as:
January 12 and January 26.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 733, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$10,500 in the 1997 Budget of the County Coroner (County General Fund) to purchase office furniture"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 734, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes tax anticipation borrowing for the City during the period from January 1, 1998 through December 31, 1998"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 735, 1997. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes tax anticipation borrowing for the County General Fund, the County Family and Children's Fund, and the County Welfare Fund during the period from January 1, 1998 through December 31, 1998"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 736, 1997. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the Revolving Loan Agreement and a note between the City and the Indianapolis Local Public Improvement Bond Bank in the amount of \$20 million and appropriates said funds (Barrett projects)"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 737, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides penalties for unauthorized use of handicapped parking spaces on private commercial property"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 738, 1997. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a Marion Superior Court Equipment Fund as a nonreverting fund to be used for court equipment acquisition,

replacement, and maintenance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 739, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves an increase of \$152,172 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to continue the comprehensive traffic safety program funded by a federal grant administered by the Governor's Council on Impaired and Dangerous Driving"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 740, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$17,444 in the 1997 Budget of the County Sheriff (State and Federal Grants Fund) to reimburse overtime paid to Sheriff Deputies assigned to the FBI Task Force Program funded by a FBI Task Force Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 741, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$43,000 in the 1997 Budget of the County Sheriff (Deferral Program Fee Fund) to purchase supplies for Sheriff Deputies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 742, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$120,000 in the 1997 Budget of the County Sheriff (County General Fund) to cover the increased cost of gasoline"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 743, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Hague Road and Lawrence North High School (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 744, 1997. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Franklin Parke Boulevard, Franklin Parke Court, and Franklin Parke Woods (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 745, 1997. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Crittenden Avenue, on the east side, from Kessler Boulevard East Drive to a point 140 feet south of Kessler Boulevard East Drive (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 746, 1997. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on New York Street, on the south side, from Sherman Drive to a point 150 feet west of Sherman Drive (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 747, 1997. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on

Village Way between 86th Street and 96th Street (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 748, 1997. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes the County Property Tax Evaluation Board"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 750-755, 1997 on November 20, 1997.

PROPOSAL NO. 750, 1997. The proposal is a special ordinance for Thomas W. Killion authorizing the issuance of economic development revenue bonds in an amount not to exceed \$1,280,000 to acquire and construct certain land, buildings, structures, machinery and equipment comprising light manufacturing, warehousing, and general office use facilities to be located at 7901 West 21st Street (Thomas W. Killion Project) (District 18). By a 5-0 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. 750, 1997 was adopted by the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Moriarty Adams, Talley

Proposal No. 750, 1997 was retitled SPECIAL ORDINANCE NO. 15, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 15, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its \$1,280,000 City of Indianapolis, Indiana Economic Revenue Bonds, Series 1997 (Thomas W. Killion Project) and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, Thomas W. Killion (the "Applicant") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Applicant in order to enable the Applicant to undertake and complete the acquisition, and construction of a new building consisting of approximately 30,000 square feet; and the purchase of new equipment located 7901 West 21st Street, Indianapolis, Indiana for use by Killion Corporation in its manufacture of novelty pencils and pens (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic

development facilities for the Applicant and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition and construction of the Project by issuing its \$1,280,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Thomas W. Killion Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 19, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Bond Purchase and Loan Agreement (the "Loan Agreement") dated December 1, 1997 by and among the Issuer, the Applicant and The Huntington National Bank, as purchaser of the Bonds (the "Bank") for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, form of Bond and Promissory Note of the Applicant (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance 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 financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Applicant for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Applicant will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed \$1,280,000 for the purpose of procuring funds to loan to the Applicant in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Applicant pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Bank at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest determined as set forth in the Loan Agreement and form of Bond.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or

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

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 751, 1997. The proposal is a special ordinance for Broad Ripple Lakes, L.P. (formerly known as Ripple Creek, L.P.) authorizing the issuance of bonds to refund the previously issued \$7,950,000 City of Indianapolis, Indiana Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997A and \$1,450,000 City of Indianapolis, Indiana Taxable Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997B (Broad Ripple Lakes, L.P. Project) (District 7). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Massie, for adoption.

Councillor Bradford stated that because these types of projects are not zoning issues, the neighborhood's input is not sought. He stated that until he has a better understanding of the project and all the government requirements, he cannot support this proposal.

Councillor Moriarty Adams stated that she will abstain on Proposal Nos. 751-754, 1997 due to a potential conflict of interest.

Proposal No. 751, 1997 was adopted on the following roll call vote; viz:

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

1 NAY: Bradford

2 NOT VOTING: Moriarty Adams, Talley

Proposal No. 751, 1997 was retitled SPECIAL ORDINANCE NO. 16, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 16, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Multi-Family Housing Revenue Refunding Bonds, Series 1997A (Broad Ripple Lakes, LP Project) in an aggregate principal amount not to exceed \$7,950,000 and its City of Indianapolis, Indiana Taxable Multi-Family Housing Revenue Refunding Bonds, Series 1997B (Broad Ripple Lakes, LP Project) in a principal amount not to exceed \$2,530,000 and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12, as amended, and Title 5, Article 1, Chapter 5, as amended (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

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

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, in order to provide money with which to fund the acquisition, substantial rehabilitation and financing of the existing 398-unit Brittany Woods Apartments project located at 5018 LeMans Drive, Indianapolis, Indiana (the "Project") and pay certain costs of issuance, the City of Indianapolis, Indiana (the "Issuer") has previously issued, sold and delivered its \$7,950,000 aggregate principal amount of its City of Indianapolis, Indiana Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997A (Broad Ripple Lakes, LP Project) (the "Prior Series 1997A Bonds") and \$1,450,000 aggregate principal amount of its City of Indianapolis, Indiana Taxable Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1997B (Broad Ripple Lakes, LP Project) (the "Prior Series 1997B Bonds") (the Prior Series 1997A Bonds and the Prior Series 1997B Bonds are collectively referred to as the "Prior Bonds"), pursuant to an Indenture of Trust (the "Prior Indenture") dated as of March 1, 1997, between the Issuer and Norwest Bank Indiana, N.A., as trustee (the "Prior Trustee") and has previously made a loan (the "Prior Loan") of the proceeds thereof to Broad Ripple Lakes, LP, an Indiana limited partnership (the "Company") pursuant to a Loan Agreement (the "Prior Loan Agreement") dated as of March 1, 1997, between the Issuer and the Company; and

WHEREAS, the Prior Bonds are subject to redemption prior to maturity in whole or in part on certain dates, in the event and to the extent that the outstanding principal balance of the Prior Loan is prepaid on an optional basis by the Company; and

WHEREAS, a representative of the Company has notified the Issuer of its intention to prepay the Prior Loan and cause the redemption of the Prior Bonds; and

WHEREAS, a representative of the Company has requested that the Issuer provide a new loan to the Company (the "Loan"), for the purpose of refinancing the Project and providing for the refunding of the Prior Bonds; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance and refinance the acquisition and substantial rehabilitation of the Project by issuing its City of Indianapolis, Indiana Multi-Family Housing Revenue Refunding Bonds, Series 1997A (Broad Ripple Lakes, LP Project) (the "Series 1997A Bonds") in an aggregate principal amount not to exceed \$7,950,000 and its City of Indianapolis, Indiana Taxable Multi-Family Housing Revenue Refunding Bonds, Series 1997B (Broad Ripple Lakes, LP Project) (the "Series 1997B Bonds") in an aggregate principal amount not to exceed \$2,530,000 (the Series 1997A Bonds and the Series 1997B Bonds are collectively referred to as the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 19, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing and refinancing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Indenture of Trust (the "Indenture") dated as of December 1, 1997 by and between the Issuer and Norwest Bank Indiana, N.A., as trustee (the "Trustee") which will be sold to William Blair & Company, L.L.C. (the "Underwriter") pursuant to a Purchase Contract (the "Bond Purchase Agreement") among the Issuer, the Company and the Underwriter in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of December 1, 1997, between the Issuer and the Company, which shall be secured by an Open-End Real Estate Mortgage, Security Agreement, Collateral Assignment of Rents and Leases, and Fixture Filing (the "Mortgage") dated as of December 1, 1997 from the Company to the Trustee for the purpose of financing, refinancing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, Indenture, Mortgage, Bond Purchase Agreement, Land Use Restriction Agreement, Limited Offering Memorandum, the forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance 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 financing and refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing, refinancing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Series 1997A Bonds in the aggregate principal amount not to exceed \$7,950,000 and its Series 1997B Bonds in the principal amount not to exceed \$2,530,000 for the purpose of procuring funds to loan to the Company in order to finance, refinance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Limited Offering Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Limited Offering Memorandum is hereby authorized to certify to the Underwriter that the information in the Limited Offering Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Limited Offering Memorandum.

SECTION 5. The City Clerk and the City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest not to exceed 10% per annum. The use of a Final Limited Offering Memorandum, in substantially the same form as the Limited Offering Memorandum approved herein, is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on

behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and the City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and the City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or the City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of the special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company to the Indiana Housing Finance Authority (the "IHFA") and either written representations of the Company or of the IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 753, 1997. The proposal is an inducement resolution for Bedford, L.P. in an amount not to exceed \$10,000,000 to be used for the acquisition, expansion and rehabilitation of the existing 312-unit apartment complex and clubhouse known as Bedford Park West located at 4900 Edinborough Lane (Bedford Park West Apartments Project) (District 17). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Curry, for adoption.

Councillor Gilmer asked how Councillor Golc, in whose district the project is located, feels about the project. Councillor Golc stated that he was unaware of the project until this evening but has no objections. Councillor Curry, who is familiar with the project, stated that the development is in serious need of repair.

Proposal No. 753, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 753, 1997 was retitled SPECIAL RESOLUTION NO. 85, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 85, 1997

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

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

WHEREAS, Bedford, LP (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 referred to as the acquisition, expansion and rehabilitation of the existing 312-unit apartment complex and clubhouse known as Bedford Park West located on approximately 12.5 acres of land at 4900 Edinborough Lane, Indianapolis, Indiana (the "Project"); and

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

WHEREAS, the acquisition, expansion and rehabilitation 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 of opportunities for gainful employment within the jurisdiction of the Issuer is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$10,000,000 under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, expansion and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, expansion and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, expansion and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires May 31, 1998, 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, renovation 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 (T 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. 754, 1997. The proposal is an inducement resolution for The Piedmont Foundation, Inc. in an amount not to exceed \$18,500,000 to be used for the acquisition, renovation, expansion, construction and equipping of the existing 648-unit multi-family residential facility located at 2900 East Hanna Avenue; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements (Nantucket Cove Apartments Project) (District 24). 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 Coughenour, for adoption.

Councillor Coughenour stated that the apartments need attention, and the developers have contacted her and given her sufficient information on the project, since it is in her district. She supports the proposal.

Councillor Gilmer asked how much money is being used to actually renovate. Ken Cutillo, bond counsel for the project, stated that the total rehabilitation costs are slightly over \$3 million. The transaction costs consist of a purchase price of approximately \$15 million. Councillor Gilmer asked what the rehabilitation costs break down to per unit. Mr. Cutillo stated that it averages about \$5,000 per unit. Councillor Gilmer stated that this seems a high amount of money for units in disrepair. David Stapleton, principal of the management company, stated that the price per unit actually represents about 20% of the unit cost.

Proposal No. 754, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 754, 1997 was retitled SPECIAL RESOLUTION NO. 86, 1997, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 86, 1997

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

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

WHEREAS, The Piedmont Foundation, Inc., a Georgia not-for-profit company (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 will consist of the acquisition, renovation, expansion, construction and equipping of the existing 648-unit multi-family residential facility commonly known as Nantucket Cove Apartments located on a 25 acre parcel of land at 2900 East Hanna Avenue, Indianapolis, Indiana; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, 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 and the creation of business opportunities to be achieved by the acquisition, expansion, construction 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, the acquisition, expansion, construction 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 of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$18,500,000 under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, expansion, construction 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, expansion, construction 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, expansion, construction 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, 1998, 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, expansion, construction 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 (T 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. 755, 1997. The proposal is a special ordinance authorizing the issuance of economic development revenue bonds in an amount not to exceed \$1,000,000 for T&E Investments, LLC to be used for the acquisition, construction and equipping of an approximately 354,000 square feet free-standing industrial building to house manufacturing and warehousing activities located at 7445 Company Drive (Spectrum Products, Inc. Project) (District 23). 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 Jones, for adoption.

Councillor Gilmer asked how many new jobs will be created. Councillor Borst answered that the project will create 15 new jobs.

Proposal No. 755, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Talley

Proposal No. 755, 1997 was retitled SPECIAL ORDINANCE NO. 17, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 17, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1997 (T&E Investments, LLC Project), in the aggregate principal amount not to exceed \$1,000,000 (the "Bonds"), and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, the Act provides that such bonds may be secured by a bond purchase agreement between an issuer and a bondholder; and

WHEREAS, a representative of T&E Investments, LLC (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the construction of a 354,000 square foot facility and the machinery and equipment for the manufacture of tanning beds, located at the intersection of I-65 and Southport Road, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Project will be leased to Spectrum Products, Inc. (the "Lessee") for operation pursuant to the Lease dated as of December 1, 1997 between the Company and the Lessee (the "Lease"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, installation and equipping of the Project by issuing its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1997 (T&E Investments, LLC Project), in the aggregate principal amount not to exceed \$1,000,000 (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 19, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the City-County Council has at this meeting conducted a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Bond Purchase and Loan Agreement (the "Loan Agreement") dated as of December 1, 1997 by and among the Issuer, the Company and First of America Bank-Indiana, as original purchaser (the "Purchaser") in order to obtain funds to lend to the Company pursuant to the Loan Agreement for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, the Lease and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

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

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed \$1,000,000 for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the costs of the Project, which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Purchaser at a price not less than one hundred percent (100%) of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest determined as set forth in the Loan Agreement.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the Purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. The City of Indianapolis, Indiana hereby agrees to issue the Bonds pursuant to the \$1,000,000 small issue exemption set out in Section 144(a)(1) of the Internal Revenue Code of 1986.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst made the following motion:

Mr. President:

I move that Proposal No. 759, 1997 (Rezoning Case 97-Z-161) (97-DP-9) be scheduled for a hearing before this Council at its next regular meeting on December 15, 1997, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Consent was given to schedule this proposal for a public hearing on December 15, 1997. Proposal No. 759, 1997 is identified as follows:

97-Z-161 (97-DP-9)

997 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

NORTHSTAR DEVELOPMENT, LLC, by Raymond Good, requests a rezoning of 160 acres, being in the D-A(FF) District, to the D-P(FF) classification to provide for a planned unit development, consisting of several types of single-family development, including detached units, patio homes, and attached units, as well as a geriatric community, consisting of single-family homes, and varying types of assisted living units.

PROPOSAL NO. 756, 1997, PROPOSAL 757, 1997 and PROPOSAL NOS. 758 and 760-763, 1997. Introduced by Councillor Hinkle. Proposal No. 756, 1997, Proposal No. 757, 1997, and Proposal Nos. 758 and 760-763, 1997 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 21, 1997. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 215-221, 1997, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 215, 1997.

97-Z-157

5902 WEST HANNA AVENUE (rear) (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

ELEVENTH STREET ASSOCIATES, LLC, by Joseph M. Scimia, requests a rezoning of 11.090 acres, being in the D-A District, to the C-S classification to provide for a business park for industrial and office uses.

REZONING ORDINANCE NO. 216, 1997.

97-Z-186

2309 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.3 acre, being in the I-3-U District, to the C-5 classification to provide for general commercial uses including automobile sales.

REZONING ORDINANCE NO. 217, 1997.

97-Z-139 (AMENDED)

1701-1731 WEST MORRIS STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 17

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 1.47 acre, being in the C-4 District, to the D-5 classification to provide for single-family or two-family residential uses.

REZONING ORDINANCE NO. 218, 1997.

97-Z-192

7602 KATHERINE DRIVE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

CROSSMANN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 27.99 acres, being in the D-A District, to the D-5II classification to provide for residential development.

REZONING ORDINANCE NO. 219, 1997.

97-Z-205

3291 SOUTH MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

ASSOCIATED MATERIALS, INC., by Edward Williams, requests a rezoning of 0.75 acre, being in the C-5 and D-5 Districts, to the C-5 classification to provide for heavy commercial uses including a commercial retail hardware store.

REZONING ORDINANCE NO. 220, 1997.

97-Z-208

1215 NORTH TECUMSEH STREET, and 1922-1930 and 2024 EAST 12th STREET, (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.13 acre, being in the D-5 District, to the SU-1 classification to provide for an existing religious use.

REZONING ORDINANCE NO. 221, 1997.

97-CP-36Z

1102-1115 EAST 52nd STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 7.035 acres, being in the I-4-U District, to the I-2-U classification to provide for an industrial park development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 752, 1997. The proposal is a special ordinance for Strawbridge Limited Partnership authorizing a current refunding of the previously issued \$7,135,000 City of Indianapolis, Indiana Economic Development Multi-Family Housing Mortgage Revenue Bonds, Series 1997A and \$5,000 City of Indianapolis, Indiana Taxable Economic Development Multi-Family Housing Mortgage Revenue Bonds, Series 1997B (FHA Insured - Castle Dore Apartments Project) (District 24). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:44 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 752, 1997 was adopted on the following roll call vote; viz:

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

1 NAY: Bradford

2 NOT VOTING: Moriarty Adams, Talley

PROPOSAL NO. 752, 1997 was retitled SPECIAL ORDINANCE NO. 18, 1997, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 18, 1997

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Economic Development Multi-Family Housing Mortgage Revenue Refunding Bonds, Series 1997A (FHA Insured Mortgage Loan - Castle Dore Apartments Project) in an aggregate principal amount not to exceed \$6,500,000 and its City of Indianapolis, Indiana Taxable Economic Development Multi-Family Housing Mortgage Revenue Refunding Bonds, Series 1997B (FHA Insured Mortgage Loan - Castle Dore Apartments Project) in a principal amount not to exceed \$100,000 and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12, as amended, and Title 5, Article 1, Chapter 5, as amended (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

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

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, in order to provide money with which to fund the acquisition, substantial rehabilitation and financing of the existing 190-unit Castle Dore Apartments project located at 4649 Strawbridge Road, Indianapolis, Indiana (the "Project"), provide for a debt service reserve fund and pay certain costs of issuance, the City of Indianapolis, Indiana (the "Issuer") has previously issued, sold and delivered its \$7,135,000 aggregate principal amount of its City of Indianapolis, Indiana Economic Development Multi-Family Housing Mortgage Revenue Bonds, Series 1997A (FHA Insured Mortgage Loan - Castle Dore Apartments Project) (the "Prior Series 1997A Bonds") and \$5,000 aggregate principal amount of its City of Indianapolis, Indiana Taxable Economic Development Multi-Family Housing Mortgage Revenue Bonds, Series 1997B (FHA Insured Mortgage Loan - Castle Dore Apartments Project) (the "Prior Series 1997B Bonds") (the Prior Series 1997A Bonds and the Prior Series 1997B Bonds are collectively referred to as the "Prior Bonds"), pursuant to a Trust Indenture (the "Prior Indenture") dated as of April 1, 1997, among the Issuer, PNC Bank, Ohio, National Association, as trustee (the "Prior Trustee") and PNC Bank, Indiana, Inc., as co-trustee (the "Prior Co-Trustee"), and has previously made a loan (the "Prior Loan") of the proceeds thereof to Strawbridge Limited Partnership, an Ohio limited partnership (the "Company") pursuant to a Supplemental Loan Agreement (the "Prior Loan Agreement") dated as of April 1, 1997, among the Issuer, the Prior Trustee, the Prior Co-Trustee and the Company; and

WHEREAS, the Prior Bonds are subject to redemption prior to maturity in whole or in part on certain dates, in the event and to the extent that the outstanding principal balance of the Prior Loan is prepaid on an optional basis by the Company; and

WHEREAS, a representative of the Company has notified the Issuer of its intention to prepay the Prior Loan and cause the redemption of the Prior Bonds; and

WHEREAS, a representative of the Company has requested that the Issuer provide a new loan to the Company (the "Loan"), for the purpose of refinancing the Project and providing for the refunding of the Prior Bonds; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance and refinance the acquisition and substantial rehabilitation of the Project by issuing its City of Indianapolis, Indiana Economic Development Multi-Family Housing Mortgage Revenue Refunding Bonds, Series 1997A (FHA Insured Mortgage Loan - Castle Dore Apartments Project) (the "Series 1997A Bonds") in an aggregate principal amount not to exceed \$6,500,000 and its City of Indianapolis, Indiana Taxable Economic Development Multi-Family Housing Mortgage Revenue Refunding Bonds, Series 1997B (FHA Insured Mortgage Loan - Castle Dore Apartments Project) (the "Series 1997B Bonds") in an aggregate principal amount not to exceed \$100,000 (the Series 1997A Bonds and the Series 1997B Bonds are collectively referred to as the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on November 19, 1997 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing and refinancing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission, on November 19, 1996, held a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") concerning the refinancing of the Project; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of December 1, 1997 by and between the Issuer and PNC Bank, Ohio, National Association, Cincinnati, Ohio, as trustee (the "Trustee"), and PNC Bank, Indiana, Inc., as co-trustee (the "Co-Trustee") which will be sold to The Sturges Company (the "Underwriter") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") dated November 25, 1997 among the Issuer, the Company and the Underwriter in

order to obtain funds to lend to the Company pursuant to a Supplemental Loan Agreement (the "Supplemental Loan Agreement") dated as of December 1, 1997, among the Issuer, the Trustee, the Co-Trustee and the Company for the purpose of financing, refinancing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Supplemental Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

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

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Supplemental Loan Agreement, Indenture, Bond Purchase Agreement, Land Use Restriction Agreement, Preliminary Official Statement, Continuing Disclosure Agreement (the "Continuing Disclosure Agreement"), dated as of December 1, 1997, among the Company, the Trustee and PNC Bank, Ohio, National Association, as dissemination agent (the "Dissemination Agent"), the forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance 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 financing and refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing, refinancing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Series 1997A Bonds in the aggregate principal amount not to exceed \$6,500,000 and its Series 1997B Bonds in the principal amount not to exceed \$100,000 for the purpose of procuring funds to loan to the Company in order to finance, refinance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Supplemental Loan Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and the City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest not to exceed 10% per annum. The use of a Final Official Statement, in substantially the same form as the Preliminary Official Statement approved herein, is

approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

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

SECTION 7. The provisions of the special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company to the Indiana Housing Finance Authority (the "IHFA") and either written representations of the Company or of the IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 698, 1997. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 698, 1997 on November 18, 1997. The proposal approves an increase of \$3,600,000 in the 1997 Budget of the Information Services Agency (Information Services Internal Service Fund) to fund capital purchases by departments and agencies paid for by chargebacks to those departments and agencies. 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 7:47 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Shambaugh for adoption. Proposal No. 698, 1997 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, Shambaugh, Short, Tilford, Williams

4 NAYS: Bradford, O'Dell, SerVaas, Smith

1 NOT VOTING: Talley

Proposal No. 698, 1997 was retitled FISCAL ORDINANCE NO. 111, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 111, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Three Million Six Hundred Thousand Dollars (\$3,600,000) in the Information Services Internal Service Fund for purposes of the Information Services Agency and reducing the unappropriated and unencumbered balance in the Information Services Internal Service 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(ff) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Information Services Agency to fund capital purchases by various City Departments and County Agencies

SECTION 2. The sum of Three Million Six Hundred Thousand Dollars (\$3,600,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
3. Other Services and Charges	<u>3,600,000</u>
TOTAL INCREASE	3,600,000

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

	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
Unappropriated and Unencumbered	
Information Services Internal Services Fund	<u>3,600,000</u>
TOTAL REDUCTION	3,600,000

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

PROPOSAL NO. 700, 1997. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 700, 1997 on November 19, 1997. The proposal approves an increase of \$250,000 in the 1997 Budget of the Department of Parks and Recreation (Park General Fund) to begin a public awareness program concerning Greenways projects financed by a grant from the Lilly Endowment. The Committee postponed the proposal until December 10, 1997. Councillor Shambaugh moved, seconded by Councillor Golc, to postpone Proposal No. 700, 1997 until December 15, 1997. Proposal No. 700, 1997 was postponed by a unanimous voice vote.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 702-708, 710, 552, and 701, 1997 on November 12, 1997. He asked for consent to vote on Proposal Nos. 702-708, 710, and 552, 1997 together. Consent was given.

PROPOSAL NO. 702, 1997. The proposal approves an increase of \$6,000 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund an evaluation of county-wide domestic violence protocols funded by a S.T.O.P. grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 703, 1997. The proposal approves an increase of \$26,253 in the 1997 Budget of the County Sheriff (State and Federal Grants Fund) to fund Child Sex Abuse Intervention and

Prevention Programs funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 704, 1997. The proposal approves an increase of \$58,917 in the 1997 Budget of the County Sheriff (State and Federal Grants Fund) to fund a Victim Assistance Program funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 705, 1997. The proposal approves an increase of \$11,554 in the 1997 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide funds for drug testing of defendants held in the lock-up funded by a grant from the US Department of Justice. PROPOSAL NO. 706, 1997. The proposal approves an increase of \$34,154 in the 1997 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide indigent adult groups and individualized counseling on victimization issues funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 707, 1997. The proposal approves an increase of \$15,706 in the 1997 Budget of the Marion County Superior Court (State and Federal Grants Fund) to provide funding for the Drug Treatment Court funded by a grant from the US Department of Justice. PROPOSAL NO. 708, 1997. The proposal approves an increase of \$34,000 in the 1997 Budget of the Marion County Superior Court (Supplemental Adult Probation Fees Fund) to pay the cost of offender drug testing for the conditional release office funded by user fees. PROPOSAL NO. 710, 1997. The proposal approves an increase of \$13,371 in the 1997 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) for payment of accrued benefit leave time for a departing Emergency Management employee financed by fund balances. PROPOSAL NO. 552, 1997. The proposal, which was first heard in Committee on September 3, 1997 and had been postponed several times by the full Council, approves an increase of \$19,500 in the 1997 Budget of the Prosecuting Attorney (County Grants Fund) to provide matching funds for the Children's Waiting Room Grant funded by grants from the Indianapolis and Indiana Bar Foundations. The Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Williams referred to Proposal No. 704, 1997 specifically, and asked if the City will end up funding these initiatives in the future if grant monies are not forthcoming. Councillor Dowden stated that the State will probably continue to fund, but there is a proviso in the proposals that the City will not have to fund these programs if the grants cease.

The President called for public testimony at 8:00 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 702-708, 710, and 552, 1997 were adopted on the following roll call vote; viz:

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

Proposal No. 702, 1997 was retitled FISCAL ORDINANCE NO. 112, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 112, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Six Thousand Dollars (\$6,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to fund an evaluation of county-wide domestic violence protocols.

SECTION 2. The sum of Six Thousand Dollars (\$6,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	6,000
TOTAL INCREASE	6,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	6,000
TOTAL REDUCTION	6,000

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

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

Proposal No. 703, 1997 was retitled FISCAL ORDINANCE NO. 113, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 113, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Twenty-six Thousand Two Hundred Fifty three Dollars (\$26,253) in the State and Federal Grants Fund for purposes of the County Auditor and County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,y) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff to fund Child Sex Abuse Intervention and Prevention Programs.

SECTION 2. The sum of Twenty-six Thousand Two Hundred Fifty three Dollars (\$26,253) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	6,803
 <u>COUNTY SHERIFF</u>	
1. Personal Services	19,450
TOTAL INCREASE	26,253

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>26,253</u>
TOTAL REDUCTION	26,253

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

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

Proposal No. 704, 1997 was retitled FISCAL ORDINANCE NO. 114, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 114, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Fifty-eight Thousand Nine Hundred Seventeen Dollars (\$58,917) in the State and Federal Grants Fund for purposes of the County Auditor and County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b,y) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff to fund a Victim Assistance Program.

SECTION 2. The sum of Fifty-eight Thousand Nine Hundred Seventeen Dollars (\$58,917) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	15,888
<u>COUNTY SHERIFF</u>	
1. Personal Services	35,229
3. Other Services and Charges	3,750
4. Capital Outlay	<u>3,750</u>
TOTAL INCREASE	58,917

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>58,917</u>
TOTAL REDUCTION	58,917

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

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

Proposal No. 705, 1997 was retitled FISCAL ORDINANCE NO. 115, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 115, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Eleven Thousand Five Hundred Fifty-four Dollars (\$11,554) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,bb) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to provide funds for drug testing.

SECTION 2. The sum of Eleven Thousand Five Hundred Fifty-four Dollars (\$11,554) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	1,545
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	9,659
2. Supplies	250
3. Other Services and Charges	<u>100</u>
TOTAL INCREASE	11,554

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>11,554</u>
TOTAL REDUCTION	11,554

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

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

Proposal No. 706, 1997 was retitled FISCAL ORDINANCE NO. 116, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Thirty-four Thousand One Hundred Fifty-four Dollars (\$34,154) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(bb) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to provide indigent adults group and individualized counseling on victimization issues.

SECTION 2. The sum of Thirty-four Thousand One Hundred Fifty-four Dollars (\$34,154) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	34,154
TOTAL INCREASE	34,154

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	34,154
TOTAL REDUCTION	34,154

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

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

Proposal No. 707, 1997 was retitled FISCAL ORDINANCE NO. 117, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Fifteen Thousand Seven Hundred and Six Dollars (\$15,706) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to provide funding for the Drug Treatment Court.

SECTION 2. The sum of Fifteen Thousand Seven Hundred and Six Dollars (\$15,706) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	100
3. Other Services and Charges	15,606
TOTAL INCREASE	15,706

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>15,706</u>
TOTAL REDUCTION	15,706

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

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

Proposal No. 708, 1997 was retitled FISCAL ORDINANCE NO. 118, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Thirty-four Thousand Dollars (\$34,000) in the Supplemental Adult Probation Fees Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation Fees Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay the cost of offender drug testing for the conditional release office.

SECTION 2. The sum of Thirty-four Thousand Dollars (\$34,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
3. Other Services and Charges	<u>34,000</u>
TOTAL INCREASE	34,000

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

	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
Unappropriated and Unencumbered	
Supplemental Adult Probation Fees Fund	<u>34,000</u>
TOTAL REDUCTION	34,000

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

Proposal No. 710, 1997 was retitled FISCAL ORDINANCE NO. 119, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Thirteen Thousand Two Hundred Seventy-one

Dollars (\$13,271) in the Consolidated County Fund for purposes of the Department of Public Safety, Emergency Management Planning Division and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (m) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management Division for the purposes of payment of accrued benefit leave for a departing employee.

SECTION 2. The sum of Thirteen Thousand Two Hundred Seventy-one Dollars (\$13,271) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>EMERGENCY MANAGEMENT PLANNING DIVISION</u>	
1. Personal Services	<u>13,271</u>
TOTAL INCREASE	13,271

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>13,271</u>
TOTAL REDUCTION	13,271

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

Proposal No. 552, 1997 was retitled FISCAL ORDINANCE NO. 120, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) appropriating an additional Nineteen Thousand Five Hundred Dollars (\$19,500) in the County Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to provide funds for the Children's Waiting Room

SECTION 2. The sum of Nineteen Thousand Five Hundred Dollars (\$19,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	<u>19,500</u>
TOTAL INCREASE	19,500

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	19,500
TOTAL REDUCTION	19,500

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

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

PROPOSAL NO. 701, 1997. The proposal creates an application fee to be paid by applicants for sworn positions in the Indianapolis police and fire departments. Councillor Dowden stated that this proposal received a 5-2 vote in Committee on November 12, 1997 and that the proposal needs further review. He moved, seconded by Councillor Smith, to return Proposal No. 701, 1997 to the Public Safety and Criminal Justice Committee. Proposal No. 701, 1997 was returned to Committee by a unanimous voice vote.

PROPOSAL NO. 714, 1997. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 714, 1997 on November 17, 1997. The proposal approves an increase of \$238,008 in the 1997 Budget for the Department of Public Works, Maintenance Operations Division and Administration (Maintenance Operations General Fund - \$234,008; Federal Grants Fund - \$4,000) to pay weekly employees for the 53rd pay period in 1997 and to pay Brownfield's interns to complete pilot program through the end of 1997 financed by fund balances and transfers. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Tilford stated that he will abstain from voting on this proposal due to a conflict of interest.

The President called for public testimony at 8:07 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 714, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Borst, Talley, Tilford

Proposal No. 714, 1997 was retitled FISCAL ORDINANCE NO. 121, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Two Hundred Thirty-eight Thousand Eight Dollars (\$238,008) in the Maintenance Operations General Fund and Federal Grants Fund for purposes of the Department of Public Works, Maintenance Operations Division and

Administration, and reducing the unappropriated and unencumbered balance in the Maintenance Operations General Fund and reducing certain other appropriations for the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (k) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Maintenance Operations Division and Administration to pay for weekly employees 53rd pay period in 1997 and Federal Grants Fund to pay for Brownfield's interns through the end of 1997.

SECTION 2. The sum of Two Hundred Thirty-eight Thousand Eight Dollars (\$238,008) 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>DEPARTMENT OF PUBLIC WORKS</u>	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
<u>MAINTENANCE OPERATIONS DIVISION</u>	
1. Personal Services	234,008
TOTAL INCREASE	234,008
<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>FEDERAL GRANTS FUND</u>
<u>ADMINISTRATION</u>	
1. Personal Services	4,000
TOTAL INCREASE	4,000

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

	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
Unappropriated and Unencumbered	
Maintenance Operations General Fund	234,008
TOTAL REDUCTION	234,008
<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>FEDERAL GRANTS FUND</u>
<u>ADMINISTRATION</u>	
3. Other Services and Charges	4,000
TOTAL REDUCTION	4,000

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. 525, 1997. Councillor O'Dell reported that the Municipal Corporations Committee heard Proposal No. 525, 1997 on November 20, 1997. The proposal, sponsored by Councillor Williams, concerns the Indianapolis Public Transportation Corporation Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Williams stated that State law allows the option of five to seven members on the board. The makeup of the board was carefully researched, and the addition of two new appointees will add a new perspective to the current board. She stated that the current board is in support of adding the two new members.

Councillor O'Dell moved, seconded by Councillor Williams, for adoption. Proposal No. 525, 1997, as amended, was adopted on the following roll call vote; viz:

22 YEAS: *Boyd, Bradford, Brents, Coonrod, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Tilford, Williams*

0 NAYS:

7 NOT VOTING: *Black, Borst, Cockrum, Coughenour, Schneider, Smith, Talley*

Proposal No. 525, 1997, as amended, was retitled GENERAL ORDINANCE NO. 186, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 186, 1997

A GENERAL ORDINANCE amending Article II of Chapter 25 of the Code concerning the Indianapolis Public Transportation Corporation Board.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana" specifically, Chapter 25, Sec. 25-16 through Sec. 25-20, be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 25-16. Legislative findings.

The city-county council hereby finds as follows:

- (1) The assistance of and/or the public acquisition of the Indianapolis Transit System, Inc., is in the public interest.
- (2) The establishment and maintenance of an urban mass transportation system rendering adequate service is essential to relieve traffic congestion which would otherwise prevent the rapid and efficient movement of persons and goods in and about the city, thus interfering with the primary function of the streets, and which would otherwise prevent the rapid and efficient deploying of police cars, fire engines and other emergency equipment in and about the city, thus jeopardizing the health, safety and welfare of the general public.
- (3) The establishment and maintenance of an urban mass transportation system rendering adequate service is necessary to the proper utilization of the factories, stores, warehouses, commercial, professional and governmental offices, schools, recreational facilities and other places where members of the general public congregate.
- (4) The establishment and maintenance of an urban mass transportation system is necessary to the welfare of the general public in that it expands the economic and social opportunities available to the residents of the city and particularly those who, for economic reasons, reasons of health, reasons of age or demonstrated unfitness to operate a motor vehicle, cannot freely move about except through the services rendered by an urban mass transportation system.
- (5) The establishment and maintenance of an urban mass transportation system rendering adequate service is a substantial factor in maintaining real property valuations in the central business district and in the various industrial and residential districts.

Sec. 25-17. Corporation created.

There is hereby created a public transportation corporation which shall be known as the "Indianapolis Public Transportation Corporation," which transportation corporation shall be a distinct municipal corporation, as provided in ~~section 19-5-2-10, 1971 Indiana Code~~ IC 36-9-4-12 and 36-9-4-13.

Sec. 25-18. Boundaries.

The boundaries of the public transportation corporation established in this article shall be coextensive with the boundaries of the city.

Sec. 25-19. Board of directors.

(a) The executive and legislative powers of the public transportation corporation established in this article shall be reposed in its board of directors, which board of directors shall consist of ~~five~~ seven (7) members, to be appointed as provided by the applicable statutes, no more than four of whom may be of the same political party. The members of the board appointed prior to this amendment shall serve their appointed terms. Two (2) new members shall be appointed under this section, as amended, shall begin on January 1, 1998, or as soon thereafter as appointed and serve a four-year term; one shall be appointed by the mayor and one shall be appointed by the council. Thereafter and for all appointments hereinafter:

(b) The members of the board shall be appointed to serve four (4) year terms as follows:

(1) Three (3) members appointed by the mayor, one (1) of whom shall be a user or a consumer of the public transportation corporation's services; and

(2) Four (4) members appointed by the council, one (1) of whom shall be a user or a consumer of the public transportation corporation's services.

(c) Members of the board shall serve until their successor is duly appointed and qualifies. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall serve the remainder of the unexpired term. Whenever a vacancy occurs in the office of a board member other than by reason of the expiration of the term of the member, the secretary of the board shall promptly give written notice to the appointing authority.

Sec. 25-20. Powers generally.

The public transportation corporation established in this article and its board of directors shall have all powers granted pursuant to ~~section 19-5-2-1-10, 1971 Indiana Code~~ IC 36-9-4, et seq.

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

PROPOSAL NO. 657, 1997. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 657, 1997 on October 16, 1997 and on November 17, 1997. The proposal creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works. Due to multiple amendments to the proposal which have not yet had proper review, Councillor Coughenour moved, seconded by Councillor Gilmer, to postpone Proposal No. 657, 1997 until January 12, 1998. Proposal No. 657, 1997 was postponed by a unanimous voice vote.

Councillor Schneider reported that the Administration and Finance Committee heard Proposal Nos. 672 and 673, 1997 on November 18, 1997.

PROPOSAL NO. 672, 1997. The proposal, sponsored by Councillor Cockrum, increases the salary schedule for County employees by 5% and the E83 classification by 6.7%. Councillor Schneider stated that the increase for County employees had been amended to 3%. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 672, 1997, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

Proposal No. 672, 1997, as amended, was retitled GENERAL RESOLUTION NO. 11, 1997, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 1997

A PROPOSAL FOR A GENERAL RESOLUTION to increase the salary schedule for Marion County employees.

WHEREAS, pursuant to Sec. 23-62 of the Code of Indianapolis and Marion County, the Marion County Job Classification Board has the responsibility of reviewing the schedule of compensation as often as considered necessary and making recommendations for a new schedule of compensation; and

WHEREAS, the current schedule of compensation has not been revised since July 1995; and

WHEREAS, the salary range for the E83 classification requires an adjustment to maintain a consistent spread between the classifications; and

WHEREAS, it is the recommendation of the Job Classification Board, based upon a statistical analysis, that the salary schedule be revised by increasing the schedule by three (3) percent and that the E83 classification be increased by an additional 6.70 percent; 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, as the legislative and fiscal body of Marion County hereby adopts the following schedule of compensation for all Marion County employees, as defined by Sec. 23-61 of the Code of Indianapolis and Marion County, effective January 1, 1998.

<u>DBM RATING</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A12	11,218	13,462	15,706
A13	12,664	15,197	17,729
B21	13,796	16,900	20,004
B22	15,110	18,509	21,910
B23	16,549	20,273	23,997
B24	18,126	22,203	26,282
B31	20,776	25,450	30,125
B32	24,233	29,686	35,138
C41	26,073	32,201	38,328
C42	27,823	34,361	40,899
C43	29,690	36,667	43,644
C51	31,818	39,773	47,728
C52	35,077	43,847	52,616
D61	35,340	45,058	54,776
D62	36,873	47,013	57,153
D63	39,347	50,167	60,987
D71	40,432	52,563	64,692
D72	44,574	57,946	71,318
E81	48,351	62,855	77,360
E81	(Chief Public Defender = 90% of total salary of Marion County Prosecutor)		
E82	51,594	67,072	82,551
E83	55,056	71,573	88,091

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NO. 673, 1997. The proposal, sponsored by Councillor Cockrum, determines that the changes in the salary schedule are effective on the date designated by the City-County Council. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Cockrum, for adoption. Proposal No. 673, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Dowden

Proposal No. 673, 1997 was retitled GENERAL RESOLUTION NO. 12, 1997, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 1997

A PROPOSAL FOR A GENERAL ORDINANCE amending Section 23-62 of the "Code of Indianapolis and Marion County" concerning duties of the Marion County Job Classification and Compensation Board.

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

SECTION 1. Section 23-62 of the "Code of Indianapolis and Marion County" is hereby amended by the deletion of the language which is stricken-through and by the addition of language which is underscored, to read as follows:

Sec. 23-62. General duties and responsibilities of the board in implementing and reviewing the classification and compensation system.

The board shall:

(a) Promulgate rules and regulations to implement compliance with the classification system adopted pursuant to paragraph (f) and with the schedule of compensation, and to govern the performance of its responsibilities.

(b) Adopt a written system to classify the position of each county employee pursuant to the following criteria:

- (i) The amount of experience and training required;
- (ii) The amount of independent judgment required;
- (iii) The amount of supervisory responsibility involved;
- (iv) The type and quantity of interrelated networking involved;
- (v) The type of working conditions involved;
- (vi) Any other consideration material to the successful performance of the particular position.

(c) Classify the position of each county employee pursuant to the current schedule of compensation which shall be kept on file in the auditor's office.

(d) Review and classify "new positions" proposed by a department head except where the new position has the same job description as a position in existence. In this case, the department head shall notify the chairman of the board of such a position and the chairman of the board may assign to the new position a temporary classification which shall be presented to the board at the board's next meeting where the agenda can accommodate the topic. Any changes in classification that the board makes shall be effective prospectively but no later than the earliest time that payroll can administer the changes during the payroll period in which the changes are made by the board.

(e) Periodically review all job positions with input from the appropriate agency. The board shall review each job position at least once every five (5) years. After completing its review of each job position, the board shall determine whether the position requires reclassification.

(f) Review the schedule of compensation as often as considered necessary by the board but at least every five (5) years and recommend to the council salary ranges in the schedule of compensation based upon statistical analyses of the range of salaries actually paid by employers in the Indianapolis, Marion County, Indiana area for each respective classification. To make the statistical analysis, the board shall either hire a consultation firm or appoint the auditor and his staff to evaluate all pertinent factors which influence the salary market and to recommend to the board a modified schedule of compensation. The board may recommend a new schedule of compensation which reflects the statistical analysis and recommendations made by the auditor and/or the consultation firm. Such schedule of compensation shall, if approved by the council, govern the salaries of county employees. County employees' salaries shall be adjusted pursuant to the new schedule of compensation effective ~~the first pay cycle following the adoption of the schedule on such date as established~~ by the council. The salary figures and any salary in between the ranges will be translated into hourly rates to determine the proper compensation for any given pay period.

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

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

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

Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal Nos. 676 and 677, 1997 on November 19, 1997.

PROPOSAL NO. 676, 1997. The proposal approves a public purpose grant in the amount of \$34,300 to the Arts Council of Indianapolis. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Shambaugh moved, seconded by Councillor Massie, for adoption. Proposal No. 676, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Borst, Jones

Proposal No. 676, 1997 was retitled GENERAL RESOLUTION NO. 13, 1997, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 1997

A GENERAL RESOLUTION approving certain public purpose grants for support of the arts.

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

SECTION 1. Grants totaling Seven Hundred Fifteen Thousand Seven Hundred (\$715,700) to the Arts Council of Indianapolis were approved by General Resolution No. 1, 1997, of the City-County Council on August 4, 1997, for support of the arts. This Resolution approves an additional grant for Thirty-four Thousand Three Hundred Dollars (\$34,300) to the Arts Council of Indianapolis, bringing the 1997 grant total to Seven Hundred Fifty Thousand Dollars (\$750,000), which shall be apportioned as follows:

General Operating Supporting Grants	\$702,900
Special Projects Grants	12,800
Summer Arts for Youth.....	11,500
Mini Grants.....	5,583
Administration/Management of Grants.....	<u>17,217</u>
Total.....	\$750,000

In approving these grants, the City-County Council understands that the Arts Council of Indianapolis agrees to comply with the following conditions:

- (1) The Arts Council will formalize a better communication system with the Parks and Recreation Department and the City-County Council, through regularly scheduled quarterly meetings with members of the Parks and Recreation Committee and other appropriate City-County Councillors. These meetings will provide a forum for education and discussion of arts programs and funding issues.
- (2) The Arts Council will work with representatives from the City-County Council and representatives from the arts community to re-examine the guidelines and criteria of the granting programs in order for them to accurately reflect the concerns of the City-County Council concerning programming issues.
- (3) The Arts Council will work with representatives from the City-County Council and representatives from the arts community to re-examine the guidelines and criteria of the granting programs in order for them to accurately reflect the concerns of the City-County Council concerning access issues.

SECTION 2. This resolution is adopted in satisfaction of the requirements of Sec. 4.01(c) of the Annual Budget for 1997, Fiscal Ordinance No. 94, 1996.

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

PROPOSAL NO. 677, 1997. The proposal approves the award of a Guaranteed Energy Savings Contract between the Indianapolis Parks Department and Johnson Controls, Inc. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer asked how much money will be saved through this contract. Councillor Shambaugh stated that it will amount to a savings of approximately \$160,000 each year.

Councillor Shambaugh moved, seconded by Councillor Cockrum, for adoption. Proposal No. 677, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 677, 1997 was retitled GENERAL RESOLUTION NO. 14, 1997, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 1997

A GENERAL RESOLUTION approving the award of a Guaranteed Energy Savings Contract between the Indianapolis Parks Department and Johnson Controls, Inc.

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

SECTION 1. Indiana Code 36-1-12.5-1, et seq. enables a political subdivision to award a contract to a vendor which will allow for the installation of certain energy conservation measures in publicly owned buildings, with the cost of these improvements to be paid for by the energy savings guaranteed to be achieved over the ensuing ten (10) year period. Pursuant to Indiana Code 36-1-12.5-5, the City-County Council must approve the request for proposals process and the final award of a Guaranteed Energy Savings Contract under these provisions. This Resolution hereby approves the Indianapolis Parks Department's Request for Proposals process, the selection of Johnson Controls, Inc. as the successful vendor, and the award of a Guaranteed Energy Savings Contract to Johnson Controls, Inc. in the total sum of \$1,183,438 for the improvements listed and apportioned as follows:

Indy Parks Headquarters	\$882,985
Indy Island	81,860
Krannert	176,867
Municipal Gardens	<u>41,726</u>
TOTAL	\$1,183,438

In awarding this Contract, the Council specifically finds as follows:

- (1) that the amount the Parks Department would spend on the energy conservation measures under the Contract and that are recommended in the report is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over ten (10) years from the date of installation if the recommendations in the report were followed; and
- (2) all payments, except obligations upon the termination of the Contract before the Contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of ten (10) years or the average life of the energy conservation measures installed from the date of final installation; and
- (3) the Contractor must provide a written guarantee that the savings in energy and operating costs due to the energy conservation measures are guaranteed to cover the costs of the payments for the measures, and the Contractor will reimburse the Parks Department for the difference between the guaranteed savings and the actual savings; and
- (4) Contract payments made herein are subject to annual appropriation by the Council and do not constitute an indebtedness of the political subdivision within the meaning of a constitutional or statutory debt limitation.

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

PROPOSAL NO. 696, 1997. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 696, 1997 on November 18, 1997. The proposal approves a reduction of \$1,599,783 in 1997 Budgets to reflect recalculations of cash flow for funding the 1998

Budgets of various city departments in specified funds. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coughenour asked if this is money which will be rolled over into the 1998 budget. Councillor Schneider stated that revenue did not come in as expected in 1997, but is still expected in 1998.

Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 696, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Borst, Gilmer

Proposal No. 696, 1997 was retitled FISCAL ORDINANCE NO. 122, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) by reducing appropriation by One Million Five Hundred Ninety-nine Thousand Seven Hundred Eighty-three Dollars (\$1,599,783) for the following: Department of Metropolitan Development, Permits Division, and Department of Metropolitan Development, Neighborhood Service Division, Consolidated County Fund; Department of Metropolitan Development, Planning Division, Federal Grants Fund; Department of Public Works, Environmental Resources Management Division, Consolidated County Fund; Department of Capital Asset Management, Asset Management Division, Consolidated County Fund; Department of Public Safety, Police Division, City Cumulative Capital Development Fund; and Department of Parks and Recreation, Park General Fund.

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

SECTION 1. To reflect reduction in proposed expenditures since the adoption of the annual budget, Section 1.01.(j,k,l,m,n) of the City-County Annual Budget for 1997 be, and is hereby, amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>PERMITS DIVISION</u>	
4. Capital Outlay	<u>155,964</u>
TOTAL REDUCTION	155,964

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>NEIGHBORHOOD SERVICE DIVISION</u>	
3. Other Services and Charges	<u>30,000</u>
TOTAL REDUCTION	30,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
<u>PLANNING DIVISION</u>	
3. Other Services and Charges	<u>80,000</u>
TOTAL REDUCTION	80,000

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	
2. Supplies	4,233
3. Other Services and Charges	50,333
5. Internal Charges	<u>190,000</u>
TOTAL REDUCTION	244,566

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>ASSET MANAGEMENT DIVISION</u>	
1. Personal Services	240,000
4. Capital Outlay	<u>74,036</u>
TOTAL REDUCTION	314,036

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
<u>POLICE DIVISION</u>	
4. Capital Outlay	<u>446,000</u>
TOTAL REDUCTION	446,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	100,000
2. Supplies	190,700
3. Other Services and Charges	11,000
4. Capital Outlay	<u>27,517</u>
TOTAL REDUCTION	329,217

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

PROPOSAL NO. 697, 1997. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 697, 1997 on November 18, 1997. The proposal approves a transfer of \$5,000 in the 1997 Budget of the Office of the Controller (Consolidated County Fund) for the purpose of paying Indianapolis Fleet Services for inspections of taxi cabs. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Short, for adoption. Proposal No. 697, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 697, 1997 was retitled FISCAL ORDINANCE NO. 123, 1997, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 1997

A FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (City-County Fiscal Ordinance No. 94, 1996) transferring and appropriating an additional Five Thousand Dollars (\$5,000) in the Consolidated County Fund for purposes of the Office of the Controller, and reducing certain other appropriations in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (g) of the City-County Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Office of the Controller for anticipated costs of Indianapolis Fleet Services inspections of taxi cabs as required by ordinance.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF THE CONTROLLER</u>	<u>CONSOLIDATED COUNTY FUND</u>
5. Internal Charges	<u>5,000</u>
TOTAL INCREASE	5,000

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

<u>OFFICE OF THE CONTROLLER</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>5,000</u>
TOTAL REDUCTION	5,000

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 238 and 715-719, 1997 on November 12, 1997.

PROPOSAL NO. 238, 1997. The proposal, sponsored by Councillor O'Dell, authorizes a multi-way stop at Ritter Avenue and University Avenue (District 13). Councillor O'Dell reported that this proposal had been tabled on April 4, 1997 and again on May 28, 1997. He stated that safety issues were involved, and the Department of Capital Asset Management already placed the stop sign as an emergency action. Since the placement of the sign, all issues have been resolved. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor O'Dell, for adoption. Proposal No. 238, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Black, Borst, Gray, Moores, Williams

Proposal No. 238, 1997 was retitled GENERAL ORDINANCE NO. 187, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 187, 1997

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION I. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Ritter Av, University Av	Ritter Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Ritter Av, University Av	None	All Way Stop

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

Councillor Gilmer asked for consent to vote on Proposal Nos. 715 and 716, 1997 together. Consent was given.

PROPOSAL NO. 715, 1997. The proposal, sponsored by Councillor Brents, authorizes a traffic signal at 29th Street and Riverside Drive (District 16). PROPOSAL NO. 716, 1997. The proposal, sponsored by Councillor Brents, authorizes a traffic signal at 30th Street, Riverside Drive, and White River Parkway East Drive (Districts 9, 16). By 5-0 votes, the Committee reported the proposal to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal Nos. 715 and 716, 1997 were adopted on the following roll call vote; viz:

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

Proposal No. 715, 1997 was retitled GENERAL ORDINANCE NO. 188, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 188, 1997

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	29th St, Riverside Dr	29th St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	29th St, Riverside Dr	None	Signal

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

Proposal No. 716, 1997 was retitled GENERAL ORDINANCE NO. 189, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 189, 1997

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	30th St, Riverside Dr	Riverside Dr	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	30th St, Riverside Dr, White River Parkway East Drive	None	Signal

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

The President passed the gavel to Vice President McClamroch at 8:28 p.m.

PROPOSAL NO. 717, 1997. The proposal, sponsored by Councillor Massie, authorizes a traffic signal at Bradbury Avenue and Shelby Street (Districts 20, 21). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Massie, for adoption. Proposal No. 717, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 717, 1997 was retitled GENERAL ORDINANCE NO. 190, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 190, 1997

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	Bradbury Av, Shelby St	Shelby St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	Bradbury Av, Shelby St	None	Signal

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

PROPOSAL NO. 718, 1997. The proposal, sponsored by Councillor O'Dell, authorizes a multi-way stop at Kenmore Road and Lowell Avenue (District 13). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor O'Dell, for adoption. Proposal No. 718, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 718, 1997 was retitled GENERAL ORDINANCE NO. 191, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 191, 1997

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Kenmore Rd, Lowell Av	Lowell Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Kenmore Rd, Lowell Av	None	All Way Stop

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

PROPOSAL NO. 719, 1997. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Shelby Street, on the east side, from Raymond Street to Tabor Street (Districts 20, 21). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Massie, for adoption. Proposal No. 719, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Franklin, Gilmer, SerVaas

Proposal No. 719, 1997 was retitled GENERAL ORDINANCE NO. 192, 1997, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 192, 1997

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the deletion of the following, to wit:

Shelby Street, on the east side,
from Raymond Street to Kelly Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the addition of the following, to wit:

Shelby Street, on the east side,
from Raymond Street to Tabor Street

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

Vice President McClamroch returned the gavel to President SerVaas at 8:31 p.m.

SPECIAL SERVICE DISTRICT COUNCILS - SPECIAL ORDERS -PUBLIC HEARING

The President convened the Police Special Service District Council.

A. POLICE SPECIAL SERVICE DISTRICT

PROPOSAL NO. 711, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 711, 1997 on November 12, 1997. The proposal approves an increase of \$2,400,000 in the 1997 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to fund the 27th payroll for the Indianapolis Police Department which will fall on January 2, 1998, financed by fund balances. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Moores and Moriarty Adams stated that they will abstain due to a possible conflict of interest.

The President called for public testimony at 8:32 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 711, 1997 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Franklin, Gilmer, Gray, Moores, Moriarty Adams

Proposal No. 711, 1997 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1997, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1997

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1997 (Police Special Service District Fiscal Ordinance No. 1, 1996) appropriating an additional Two Million Four Hundred Thousand Dollars (\$2,400,000) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

**BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to fund the 27th payroll in 1997.

SECTION 2. The sum of Two Million Four Hundred Thousand Dollars (\$2,400,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY
POLICE DIVISION

POLICE SERVICE DISTRICT FUND

I. Personal Services	<u>2,400,000</u>
TOTAL INCREASE	2,400,000

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

	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	<u>2,400,000</u>
TOTAL REDUCTION	2,400,000

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

The President convened the Fire Special Service District Council.

B. FIRE SPECIAL SERVICE DISTRICT

PROPOSAL NO. 712, 1997. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 712, 1997 on November 12, 1997. The proposal approves an increase of \$1,500,000 in the 1997 Budget of the Department of Public Safety, Fire Division (Fire Service District Fund) to fund the 27th payroll for the Indianapolis Fire Department which will fall on January 2, 1998, financed by fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray stated that he will abstain due to a possible conflict of interest.

The President called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 712, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 712, 1997 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1997, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1997

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Annual Budget for 1997 (Fire Special Service District Fiscal Ordinance No. 1, 1996) appropriating an additional One Million Five Hundred Thousand Dollars (\$1,500,000) in the Fire Service District Fund for purposes of the Department of Public Safety and reducing the unappropriated and unencumbered balance in the Fire Service District Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to fund the 27th payroll in 1997.

SECTION 2. The sum of One Million Five Hundred Thousand Dollars (\$1,500,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>FIRE SERVICE DISTRICT FUND</u>
<u>FIRE DIVISION</u>	
1. Personal Services	<u>1,500,000</u>
TOTAL INCREASE	1,500,000

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

	<u>FIRE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Fire Service District Fund	<u>1,500,000</u>
TOTAL REDUCTION	1,500,000

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

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

C. SOLID WASTE SPECIAL SERVICE DISTRICT

PROPOSAL NO. 713, 1997. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 713, 1997 on November 17, 1997. The proposal approves an increase of \$97,027 in the 1997 Budget of the Department of Public Works, Solid Waste Administration (Solid Waste Collection Service District Fund) to pay weekly employees for the 53rd pay period in 1997 financed by fund balances. 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 8:34 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 713, 1997 was adopted on the following roll call vote; viz:

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

Proposal No. 713, 1997 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 1997, and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 1997

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the City-County Annual Budget for 1997 (Solid Waste Collection Special Service District Fiscal Ordinance No. 3, 1996) appropriating an additional Ninety-seven Thousand Twenty-seven Dollars (\$97,027) in the Solid Waste Collection Service District Fund for purposes of the Department of Public Works, Solid Waste Administration and reducing the unappropriated and unencumbered balance in the Solid Waste Collection Service District Fund.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Solid Waste Collection Special Service District Annual Budget for 1997 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Solid Waste Administration for payment of 53rd pay period for weekly employees in 1997 .

SECTION 2. The sum of Ninety-seven Thousand Twenty-seven Dollars (\$97,027) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>SOLID WASTE ADMINISTRATION</u>	<u>SOLID WASTE COLLECTION</u> <u>SERVICE DISTRICT FUND</u>
1. Personal Services	<u>97,027</u>
TOTAL INCREASE	97,027

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

	<u>SOLID WASTE COLLECTION</u> <u>SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered Solid Waste Collection Service District Fund	<u>97,027</u>
TOTAL REDUCTION	97,027

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

The President reconvened the City-County Council.

NEW BUSINESS

Councillor Schneider asked if Councillor Hinkle and the Metropolitan Development Committee could review the code violation situation involving Anna Walker and Julia Carson to assess if any cost will be borne by City taxpayers to remedy the situation. Councillor Hinkle agreed to do so.

Councillor Golc asked if Councillor O'Dell would respond in writing to individuals who testified at the Municipal Corporations Committee hearing involving discussions of the Indianapolis Colts. Councillor O'Dell agreed to do so.

Councillor Golc stated that nine of the Parks Department's 12 golf courses are scheduled for audits and that he would like to see all 12 of the courses audited, as well as offering annual independent audited financial statements to the Council. The President suggested Councillor Golc present these concerns to Mike Humphreys, Director of Internal Audit.

Councillor Talley stated that the media stories involving Ms. Carson with regard to code violations were inaccurate.

Councillor Gray stated that he would like to see a complete list of all the houses torn down in the City. Councillor Hinkle asked for what time frame this information is needed. Councillor Gray stated that he would like to see the list for the past three years. Councillor Hinkle agreed to ask the Department of Metropolitan Development to provide this information.

Councillor Williams thanked Councillor Bradford for supplying the caucuses with his specially prepared Thanksgiving turkeys.

Councillor Boyd stated that all those interested in Proposal No. 647, 1997 should attend the Public Safety and Criminal Justice Committee meeting on Wednesday, November 26, 1997, at 4:00 p.m.

General Counsel Robert Elrod read the following:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 97-Z-161 (97-DP-9), Council Proposal No. 759, 1997, at its next regular meeting on December 15, 1997, 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 160 acres at 997 West Southport Road from D-A(F) District to D-P(F) classification to provide for a planned unit development, consisting of several types of single-family development, including detached units, patio homes, and attached units, as well as a geriatric community, consisting of single-family homes, and varying types of assisted living units.

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.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Short and Boyd in memory of Wally Bruner; and
- (2) Councillor Short in memory of Robert S. Eccles; and
- (3) Councillor O'Dell in memory of Odis Sachs.

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 Wally Bruner, Robert S. Eccles, and Odis Sachs. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:49 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 24th day of November, 1997.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

Beurt SerVaas

President

ATTEST:

Suellen Hart
Clerk of the Council

(SEAL)