

**CITY—COUNTY COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETING  
Monday, February 14, 1983**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 7:08 p.m., Monday, February 14, 1983. President SerVaas in the Chair. Councillor Joyce Brinkman opened the meeting with a prayer, followed by the Pledge of Allegiance.

**ROLL CALL**

President SerVaas instructed the Clerk to take the roll. Twenty-nine members being present, he announced a quorum.

*PRESENT: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

**CORRECTION OF THE JOURNAL**

The Chair called for additions or corrections to the Journal of January 10, 1983. There being no additions or corrections to the Journal, the minutes were approved as distributed.

**OFFICIAL COMMUNICATIONS**

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

**TO ALL MEMBERS OF THE CITY—COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

**Ladies and Gentlemen:**

You are hereby notified that there will be a **REGULAR MEETING** of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, February 14, 1983, at 7:00 p.m. The purpose of such **MEETING** being to conduct any and all business that may properly come before the regular meeting of the Council.

**Respectfully,**

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

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

Mr. President:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on February 3 and 10, 1983, a copy of NOTICE TO TAXPAYERS on Proposal Nos. 34, 40, 41, 42, and 43, 1983.

Respectfully,

s/Beverly S. Rippy  
City Clerk

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis Star on February 3, 1983, a copy of the Notice of a Hearing on Proposed Marion County Jail Lease Between the Indianapolis-Marion County Building Authority and the County of Marion, the same being Proposal No. 56, 1983, to be held February 14, 1983, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 4, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional One Hundred Twelve Thousand Six Hundred Twenty-five dollars (\$112,625) in the Consolidated County Fund for purposes of the Department of Administration, Legal Division and reducing certain other appropriations for the Department of Administration, Human Rights Commission.

FISCAL ORDINANCE NO. 6, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Three Hundred Ninety-four Thousand Two Hundred Six dollars (\$394,206) in the City Market Fund for purposes of the Department of Metropolitan Development, City Market Division and reducing certain other appropriations for the Department of Public Works, City Market Division.

FISCAL ORDINANCE NO. 7, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Two Million Nine Hundred Twenty-seven Thousand Six Hundred Twenty-nine dollars (\$2,927,629) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Development Services Division and reducing certain other appropriations for various divisions in the Department of Metropolitan Development.

**FISCAL ORDINANCE NO. 8, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Ninety-seven Thousand Four Hundred Twenty-three dollars (\$97,423) in the County General Fund for purposes of the Marion County Auditor and the Marion County Sheriff.**

**FISCAL ORDINANCE NO. 9, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Superior Court, Juvenile Division.**

**GENERAL ORDINANCE NO. 14, 1983, amending the "Code of Indianapolis and Marion County, Indiana," by establishing a Department of Metropolitan Development.**

**GENERAL ORDINANCE NO. 15, 1983, amending the City-County General Ordinance No. 61, 1982, authorizing changes in the personnel schedule of the Warren Township Trustee.**

**GENERAL ORDINANCE NO. 16, 1983, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 17, 1983, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-136, Alteration of prima facie speed limit.**

**GENERAL ORDINANCE NO. 18, 1983, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-331, Passenger and materials loading zones and Section 29-283, Parking meter zones designated.**

**GENERAL RESOLUTION NO. 1, 1983, tentatively approving a lease of the Marion County Jail after improvements are made thereto by the Indianapolis Marion County Building Authority and providing a public hearing on such lease with notice.**

**SPECIAL RESOLUTION NO. 2, 1983, commending Betty J. Nixon, Executive Director of Youth Works.**

**SPECIAL RESOLUTION NO. 3, 1983, commending Donald B. Harper, Director of Counseling Services and Daniel Brandon, the Director of Employment Services, of Youth Works.**

**SPECIAL RESOLUTION NO. 5, 1983, commending the Board of Directors of Youth Works.**

**SPECIAL RESOLUTION NO. 6, 1983, honoring the Roncalli High School Girls Volleyball Team.**

**SPECIAL RESOLUTION NO. 7, 1983, honoring the Barrington Health Care Center.**

**SPECIAL RESOLUTION NO. 8, 1983, honoring William H. Binder, Jr. for his service as Lawrence Township Trustee.**

**SPECIAL RESOLUTION NO. 9, 1983, urging the Indiana General Assembly to provide that in Marion County, a three-fifths (3/5) rather than a two-thirds (2/3) vote of the twenty-nine (29) members of the City-County Council is required to override a zoning ordinance that has been approved by the Metropolitan Development Commission.**

**SPECIAL RESOLUTION NO. 10, 1983, concerning direction and control of the Health and Hospital Corporation.**

Respectfully submitted,

s/William H. Hudnut, III  
Mayor



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

PROPOSAL NO. 71, 1983. This proposal honors Ms. Jacqui Burton-McCullough of Lilly Endowment. Councillor Strader read the proposal and moved for its adoption, seconded by Councillor Tintera. Council consent was given to change the word "Foundation" to "Endowment". Proposal No. 71, 1983, was adopted by unanimous voice vote of the Council, and retitled SPECIAL RESOLUTION NO. 11, 1983, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 11, 1983**

**A SPECIAL RESOLUTION honoring Ms. Jacqui Burton-McCullough of the Lilly Endowment of Indianapolis.**

**WHEREAS, Ms. Jacqui Burton-McCullough has been a significant leader in coordinating the efforts of Black Churches across the country; and**

**WHEREAS, she is respected and admired throughout the United States for her commitment to youth ministries and strong church programs for young people; and**

**WHEREAS, Ms. Burton-McCullough has been actively involved in Black Expo; and**

**WHEREAS, she is a member of the Religious Convention Committee for the Indianapolis Convention Bureau and has been instrumental in bringing numerous large conventions to this City; and**

**WHEREAS, Ms. Burton-McCullough played a key role in the formation of the Congress of National Black Churches, a coalition of the seven largest black denominations in the country; now, therefore:**

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

**SECTION 1. The City-County Council commends and honors Ms. Jacqui Burton-McCullough for her service to the citizens of Indianapolis and her contributions to the well being of the people of this city, state and nation.**

**SECTION 2. The Mayor is invited to join with the Council by affixing his signature hereto.**

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

PROPOSAL NO. 72, 1983. This proposal honors Manual High School Boys Basketball Team. Councillor McGrath read the proposal and moved for its adoption, seconded by Councillor Cottingham. Proposal No. 72, 1983, was adopted by unanimous voice vote. Councillor McGrath presented Coach Fred Belser. Proposal No. 72, 1982, was retitled SPECIAL RESOLUTION NO. 12, 1983, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 12, 1983**

**A SPECIAL RESOLUTION honoring the Manual High School Boys Basketball Team.**

**WHEREAS, the Manual High School Boys Basketball Coach, Fred Belser; Assistant Coaches, Gary Butcher, Ray Schultz, Kirby Julian and Pack Craig; Manager, Tom**

Satterfield; Statistician, Mark Flandermeyer; and Players, Lennell Moore, Aldray Gibson, John Page, Keith Richardson, Danny Spears, Mike Ray, Deon Floyd and Kenneth Harris have led their team to an outstanding 1982-83 season with fifteen wins and only two losses to date; and

WHEREAS, the team won its first Indianapolis City Tournament since 1940 on January 22, 1983, by defeating Arlington High School by a score of 61 to 58 in the final game; 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 commends coaches, manger, statistician and team players on their Indianapolis High School Boys Basketball City Tournament Championship.

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

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

PROPOSAL NO. 73, 1983. Councillors Borst, Rhodes, Jones, and SerVaas introduced this proposal honoring Fred L. Armstrong, City Controller, City of Indianapolis. Councillor Jones read the proposal and moved for its adoption, seconded by Councillor Rhodes. Proposal No. 73, 1983, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 13, 1983, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 13, 1983**

**A SPECIAL RESOLUTION honoring Fred L. Armstrong, City Controller, City of Indianapolis.**

WHEREAS, Fred L. Armstrong has been a faithful public servant of the citizens of Indianapolis for over twenty (20) years; and

WHEREAS, he has held the position of Controller for the City of Indianapolis since 1970; and

WHEREAS, Mr. Armstrong has held numerous state and national positions representing the people of Indianapolis; and

WHEREAS, he has been indispensible in helping this city establish a strong and viable financial base; and

WHEREAS, Mr. Armstrong received the Horatio Algier award on January 18, 1983 for personal fortitude and accomplishment in rising to the upper tiers of government service; and

WHEREAS, he has proven his devotion and love for this city in more ways than can be simply expressed in words; 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 of Indianapolis and Marion County, Indiana both honors and salutes Mr. Fred L. Armstrong for his loyalty and service to the citizens of this city and county.

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

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

PROPOSAL NO. 77, 1983. Introduced by Councillor Strader. This proposal urges Citizens Gas and Coke Utility to reduce the rate it charges customers for its service. Councillor Strader requested that this proposal be sent to the Community Affairs Committee by consent of the Council.

#### INTRODUCTION OF GUESTS

Councillor Miller introduced Mrs. Marian Small, a member of the Ethics Board and she recognized the Southside League of Women Voters.

#### INTRODUCTION OF PROPOSALS

[Clerk's Note: Councillor Brinkman moved, seconded by Councillor Tintera, to advance Proposal Nos. 61, 63 and 64, 1983, on the agenda. Consent was given.]

PROPOSAL NO. 57, 1983. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code, Chapter 17 concerning outdoor retail sales of beverages, flowers and food from carts"; and the President referred it to the Administration Committee.

PROPOSAL NO. 58, 1983. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Bruce Melchert to the Liquor Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 59, 1983. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$25,000 for the Marion County Guardian Home to repair damage caused by the fire"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 60, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel schedule of the Warren Township Assessor"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 61, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE for a final bond ordinance authorizing the issuance of \$2,000,000 Economic Development First Mortgage Revenue Bonds, Series 1983 for National Wine & Spirits Corp."; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.



PROPOSAL NO. 62, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development revenue bonds for 123 South Illinois Associates in an amount not to exceed \$5,000,00"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 63, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development revenue bonds for Donald C. O'Keefe in an amount not to exceed \$600,000"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoptions.

PROPOSAL NO. 64, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an amended inducement resolution authorizing proceedings with respect to proposed economic development revenue bonds for J-C Products Corporation and Aluminum Finishing Corporation in an amount not to exceed \$7,550,000"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 65, 1983. This proposal was withdrawn by the sponsor.

PROPOSAL NO. 66, 1983. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$26,339 for Superior Court, Criminal Division, Probation Department for the Community Corrections Unit"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 67, 1983. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel schedule of the Marion County Juvenile Detention Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 68, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by prohibiting councillors from serving as President and Vice President for more than four years in succession"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 69, 1983. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE allowing parking on the north side of 34th Street, from Illinois Street to Captiol Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 70, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls as Allisonville Road and East 75th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 71, 1983. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions and retitled Special Resolution No. 11, 1983.

PROPOSAL NO. 72, 1983. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions and retitled Special Resolution No. 12, 1983.

PROPOSAL NO. 73, 1983. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions and retitled Special Resolution No. 13, 1983.

PROPOSAL NO. 74, 1983. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A REZONING ORDINANCE certified by the Metropolitan Development Commission on February 4, 1983"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 75, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by limiting the length of time certain individuals appointed by the Council may hold office"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 76, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by limiting the length of time councillors may serve as chairmen of certain committees"; and the President referred it to the Rules and Policy Committee.

#### SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 34, 1983. This proposal appropriates \$100,000 for the Department of Administration for a study of Fluidized Bed Combustion System to be



reimbursed by the Urban Consortium. Councillor Dowden moved to postpone Proposal No. 34, 1983, in Council until March 21, 1983, seconded by Councillor Rhodes. Council consent was given.

**PROPOSAL NO. 40, 1983.** This proposal appropriates \$8,451 for the Juvenile Detention Center to continue an LEAA Grant. Councillor West reported that the Public Safety and Criminal Justice recommended passage by a vote of 6-0 on February 3, 1983. The President called for public testimony at 7:29 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Holmes, for adoption. Proposal No. 40, 1983, was adopted on the following roll call vote; viz:

**25 YEAS:** Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West

**3 NAYS:** Dowden, Jones, Schneider

**1 NOT VOTING:** Borst

Proposal No. 40, 1983, was retitled **FISCAL ORDINANCE NO. 10, 1983**, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 10, 1983**

A **FISCAL ORDINANCE** amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Eight Thousand Four Hundred Fifty-one Dollars (\$8,451) in the Crime Control Fund for purposes of the Marion County Juvenile Detention Center and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

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

**SECTION 1.** To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (e) of the City-County Annual Budget for 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating available Crime Control Funds for a continuing LEAA Grant in 1983 and authorizing the personnel schedule.

**SECTION 2.** The sum of Eight Thousand Four Hundred Fifty-one Dollars (\$8,451) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

**SECTION 3.** The following additional appropriations are hereby approved:

<b>MARION COUNTY JUVENILE DETENTION CENTER</b>	<b>CRIME CONTROL FUND</b>
<b>31. Personnel</b>	<b>\$4,001</b>
<b>32. Contractual Services</b>	<b>3,530</b>
<b>33. Travel</b>	<b>260</b>
<b>35. Operating Expense</b>	<b>660</b>
<b>Total Increase</b>	<b>\$8,451</b>

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

<b>MARION COUNTY</b>		
<b>JUVENILE DETENTION CENTER</b>		<b>CRIME CONTROL FUND</b>
Unappropriated and Unencumbered		
Crime Control Fund		<u>\$8,451</u>
<b>Total Reduction</b>		<u>\$8,451</u>

**SECTION 5.** The personnel compensation schedule for the Crime Control Fund is hereby authorized as follows:

<b>Personnel Classification</b>	<b>Maximum Number</b>	<b>Maximum Salary</b>	<b>Maximum Per Classification</b>
Research Coordinator	1	15,000	\$15,000
Vacancy Factor			<u>(10,999)</u>
<b>TOTAL</b>	1		<u>\$4,001</u>

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

**PROPOSAL NO. 41, 1983.** This appropriates \$34,725 for the Sheriff for the Community Corrections Program. Councillor West moved to postpone Proposal No. 41, 1983, until April 11, 1983, seconded by Councillor Borst. Council consent was given.

**PROPOSAL NO. 42, 1983.** This proposal appropriates \$1,327,000 for the Flood Control Division for various bond projects. Councillor Coughenour reported that this proposal reappropriates unencumbered Community Development Funds and the Public Works Committee recommended passage by a vote of 5-0 on February 7, 1983. After testimony from Mr. Richard Rippel, the President called for public testimony at 7:36 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Miller, for adoption. Proposal No. 42, 1983, was adopted on the following roll call vote; viz:

**28 YEAS:** *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

**NO NAYS**

**1 NOT VOTING:** *Jones*

Proposal No. 42, 1983, was retitled **FISCAL ORDINANCE NO. 11, 1983**, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional One Million Three Hundred Twenty-seven Thousand Dollars (\$1,327,000) in the Flood Control General Fund for purposes of the Department of Public Works, Flood Control Division and reducing the unappropriated and unencumbered balance in the Flood Control General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for easements required for the construction of various bond projects.

SECTION 2. The sum of One Million Three Hundred Twenty-seven Thousand Dollars (\$1,327,000) 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 appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS FLOOD CONTROL DIVISION	FLOOD CONTROL GENERAL FUND
3. Other Services & Charges	\$694,000
4. Capital Outlay	\$633,000
Total Increase	<u>\$1,327,000</u>

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

DEPARTMENT OF PUBLIC WORKS FLOOD CONTROL DIVISION	FLOOD CONTROL GENERAL FUND
Unappropriated and Unencumbered Flood Control General Fund	<u>\$1,327,000</u>
Total Reduction	<u>\$1,327,000</u>

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

PROPOSAL NO. 43, 1983. This proposal appropriates \$82,938 of Community Development Funds for the Flood Control Division for the projects of Bean Creek and Holycross/Westminister. Councillor Coughenour reported that the Public Works Committee recommended passage by a vote of 5-0 on February 7, 1983. The President called for public testimony at 7:37 p.m. There being no one present, Councillor Coughenour moved, seconded by Councillor Miller, for adoption. Proposal No. 43, 1983, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Jones, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West



NO NAYS

2 NOT VOTING: Howard, Journey

Proposal No. 43, 1983, was retitled FISCAL ORDINANCE NO. 12, 1983, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 12, 1983**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Eighty-two Thousand Nine Hundred Thirty-eight Dollars (\$82,938) in the Flood Control General Fund for purposes of the Department of Public Works, Flood Control Division and reducing the unappropriated and unencumbered balance in the Flood Control General Fund.

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

**SECTION 1.** To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing Community Development Funds to complete the present phase of Bean Creek and Holycross/Westminister and to start the next phase of Bean Creek to alleviate flooding and drainage problems.

**SECTION 2.** The sum of Eighty-two Thousand Nine Hundred Thirty-eight Dollars (\$82,938) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

**SECTION 3.** The following additional appropriations are hereby approved:

<b>DEPARTMENT OF PUBLIC WORKS</b>	
<b>FLOOD CONTROL DIVISION</b>	
3. Other Services & Charges	<b>FLOOD CONTROL GENERAL FUND</b>
Total Increase	<u>\$82,938</u>
	<b>\$82,938</b>

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

<b>DEPARTMENT OF PUBLIC WORKS</b>	
<b>FLOOD CONTROL DIVISION</b>	
Unappropriated and Unencumbered	<b>FLOOD CONTROL GENERAL FUND</b>
Flood Control General Fund	<u>\$82,938</u>
Total Reduction	<b>\$82,938</b>

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

**PROPOSAL NO. 56, 1983.** This proposal authorizes the execution of a lease of the Marion County Jail after improvements by the Indianapolis-Marion County Building Authority. President SerVaas pointed out that this proposal concerns the lease of the Marion County Jail, whereby, the Marion County Building Authority would be the lessor and Marion County would be the lessee. The proposed lease for the County is effective after construction and certain renovations. Councillor West reported that the Public Safety and Criminal Justice Committee recommended to pass Proposal No. 56, 1983, by a vote of 5-0-1 on February 3, 1983. He reported

that the lease is calculated on a 12 percent interest rate and is a financing lease only. The Building Authority will own the Jail and there will be maintenance costs calculated in the annual rental payment when construction is completed. He added that the interest rate is not expected to be 12 percent. However, it was necessary to estimate the rate high so the bonds would not be delayed. If the rate is lower, the lease payments will reflect the lower rate. Mr. Ryan reiterated that under the State Statute, the Building Authority shall maintain property where they are in control of the major maintenance, however, the custodial services will be performed by inmates. The President called for public testimony at 7:51 p.m. After comments by Mr. John McLane, Councillor West said that the lease is for the financing agreement only and will amount to an \$.08 increase in the tax rate if there is a 12 percent lease contract. The maintenance cost will amount to approximately \$.12 to staff the additional space required to meet Judge Dillon's mandate. Mr. Carl Moldtham, representing the Indianapolis Taxpayers Association, inquired about other ways of constructing the Jail, i.e. the use of modular units, the use of the land, etc. Councillor West West replied that the Jail could have been built in another direction, however, it would cover a parking lot and badly impair the land usage. He stated that a modular jail would require more manpower and much higher operating costs and create an additional funding problem in the future. The County Auditor, Mr. Harry Eakin, replied that the Federal Judge is not concerned about how the jail is financed. Mr. Eakin outlined the mandated items to be added to the jail, i.e. indoor and outdoor recreation and visitation space for inmates with their families and attorney, and other items such as a crime lab, Marion County Coroner Office, and the space to accommodate 950 inmates, which should carry the County through the year 2000. Mr. Eakin said that this action is the proper way to meet the Federal Judge's mandate. After further discussion, Councillor Coughenour called for the question. Council consent was given. Proposal No. 56, 1983, was adopted on the following roll call vote; viz:

*26 YEAS: Borst, Boyd, Campbell, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

*2 NAYS: Brinkman, Clark*

*1 NOT VOTING: Jones*

Proposal No. 56, 1983, was retitled GENERAL RESOLUTION NO. 2, 1983, and reads as follows:

**CITY-COUNTY GENERAL RESOLUTION NO. 2, 1983**

**A GENERAL RESOLUTION authorizing the execution of a lease of the Marion County Jail after improvements are made thereto by the Indianapolis-Marion County Building Authority.**

WHEREAS, the Indianapolis-Marion County Building Authority has been created under and pursuant to the provisions of Indiana Code, Section 36-9-13-1 et seq. for the purpose of constructing, operating, and leasing to governmental units within the territorial boundaries of Marion County lands and buildings for public or governmental purposes; and

WHEREAS, Marion County desires to have the Authority undertake the construction of a new addition to the Marion County Jail and to make certain renovations to the existing jail for lease to the County as evidenced by a resolution previously adopted by this Council on April 6, 1981; and

WHEREAS, the County has negotiated a proposed lease of such jail site as improved with the Authority, which lease has been the subject of a public hearing by the County on February \_\_\_\_\_, 1983 in accordance with Indiana Code, Section 36-9-13-27; and

WHEREAS, there is before this Council a copy of the proposed lease as negotiated with the Authority and submitted to public hearing, being entitled "Marion County Jail Lease" together with plans and specifications for such new addition and renovation as prepared by architects employed by the Authority and an estimate of the cost of the building and renovation to be undertaken; 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 hereby finds and determines that the execution of the proposed Marion County Jail Lease at an annual fixed rental not in excess of \$3,090,000, a copy of which Lease is attached to this Resolution, marked "Exhibit A", and made a part hereof, is necessary to provide proper facilities to Marion County, and that the basis for the determination of the lease rental is fair and reasonable.

**SECTION 2.** The Mayor of the City of Indianapolis, for and on behalf of the County, is hereby authorized to execute said Marion County Jail Lease with the Indianapolis-Marion County Building Authority, and the Auditor of Marion County is hereby authorized to affix the seal of the County to said Lease and to attest the same.

**SECTION 3.** The Clerk of the City-County Council is hereby authorized and directed to publish notices of the execution of said Marion County Jail Lease as provided by statute following execution as aforesaid.

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

PROPOSAL NO. 516, 1982. This proposal authorizes the issuance of \$2,300,000 Economic Development First Mortgage Revenue Bonds, Series A for Geiger & Peters, Inc. Councillor Tintera moved, seconded by Councillor Brinkman, the following:

**CITY-COUNTY COUNCIL MOTION**

Mr. President:

I move to amend Proposal No. 516, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 516, 1982, Committee Recommendations".

Councillor Tintera

Council consent was given on the amendment. Councillor Tintera reported that the Economic Development Committee recommended to amend and pass Proposal No.



516, 1982, on January 28, 1983, by a vote of 3-0. He moved, seconded by Councillor Brinkman, for adoption. Proposal No. 516, 1982, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Campbell, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

2 NAYS: *Brinkman, Clark*

1 NOT VOTING: *Jones*

Proposal No. 516, 1982, As Amended, was retitled GENERAL RESOLUTION NO. 2, 1983, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1983

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project)" in the principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) and authorizing other actions in respect thereto.

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 Geiger & Peters, Inc. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on January 5, 1983, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Geiger & Peters, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Promissory Note, Loan and Security Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project), the Trust Indenture, Bond Purchase Agreement and Official Statement 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 Loan and Security Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Geiger & Peters, Inc. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Geiger & Peters, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Promissory Note, Loan and Security Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Trust Indenture, Bond Purchase Agreement, Official Statement and the form of the

City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project), the Trust Indenture, Bond Purchase Agreement and Official Statement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project) in the total principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) dated as of February 1, 1983 and maturing in the following principal amounts, on the following dates and bearing interest at the following nominal per annum rates of interest:

AMOUNT	MATURING FEBRUARY 1	NOMINAL INTEREST RATE
\$ 125,000	1985	7.00%
125,000	1986	7.50
250,000	1987	8.00
250,000	1988	8.50
250,000	1989	9.00
300,000	1990	9.25
1,000,000	1993	9.75

or at such higher rate as may be provided for in the Loan and Security Agreement, Trust Indenture or the Bonds resulting from a determination of taxability for the purpose of procuring funds to loan to Geiger & Peters, Inc. in order to finance the economic development facilities, as more particularly set out in the Loan and Security Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Geiger & Peters, Inc. on its Promissory Note in the principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) which will be executed and delivered by Geiger & Peters, Inc. to evidence and secure said loan, and monies drawn under the Letter of Credit issued by The Indiana National Bank, and as otherwise provided in the above described Promissory Note, Loan and Security Agreement, Trust Indenture and Letter of Credit. The Bonds may be issued as coupon bonds in the denomination of \$5,000 each, registrable as to principal only, and as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof and shall be redeemable as provided in the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States at the principal corporate trust office of the Trustee or by check or draft mailed or delivered to the registered owner as provided in the Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to Traub and Company, Inc., an Indiana Corporation (hereinafter "Traub") at a price equal to 96.5% of the principal amount thereof, plus accrued interest, if any, thereon from February 1, 1983, to date of delivery and payment therefor by Traub as provided in the Bond Purchase Agreement. The initial public offering price of the Bonds shall be the price set forth on the cover page of the Final Official Statement, which may be more or less than the principal amount of the Bonds. Traub may from time-to-time change such public offering price after the initial public offering to such extent as it may determine.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project), the Official Statement, the Trust Indenture approved herein and the Bond Purchase Agreement which is hereby approved and their execution is hereby confirmed on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to

consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the Trustee named in the Trust Indenture, payment for which will be made to the Trustee named in the Trust Indenture. The execution and delivery of the Bonds shall occur within one hundred and twenty (120) days from the passage of this ordinance. The Mayor and City Clerk may by their execution of the Financing Agreement, Official Statement, Trust Indenture, Bond Purchase Agreement and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a) (11).

**SECTION 6.** The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holders of the Economic Development Revenue Bonds, Series 1983 (Geiger & Peters, Inc. Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holders so long as said Bonds or the interest thereon remains unpa...

**SECTION 7.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**PROPOSAL NO. 61, 1983.** This proposal for a final bond ordinance authorizing the issuance of \$2,000,000 Economic Development First Mortgage Revenue Bonds, Series 1983 for National Wine & Spirits Corp. was recommended for passage by the Economic Development Committee by a vote of 3-0 on February 11, 1983. After comments from Mr. Cameron Johnston, Vice President of National Wine & Spirits Corporation, Councillor Brinkman moved, seconded by Councillor Sawyers, for adoption. Proposal No. 61, 1983, was adopted on the following roll call vote; viz:

**19 YEAS:** Boyd, Brinkman, Campbell, Cottingham, Gilmer, Holmes, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Tintera, Vollmer, West

**8 NAYS:** Clark, Coughenour, Dowden, Durnil, Howard, Jones, Journey, Strader

**2 NOT VOTING:** Borst, Hawkins

Proposal No. 61, 1983, was retitled **SPECIAL ORDINANCE NO. 2, 1983**, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 2, 1983**

**A SPECIAL ORDINANCE** authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project)" in the aggregate principal amount of Two Million Dollars (\$2,000,000) and authorizing other actions in respect thereto.

**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 National Wine & Spirits Corporation and the Metropolitan Development Commission of Marion County has commented thereon; and



WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on February 11, 1983, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by National Wine & Spirits Corporation complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be in benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Series 1983 Note, Loan Agreement, Mortgage and Security Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project), the Trust Indenture, Irrevocable Letter of Credit, Reimbursement Agreement, Reimbursement Note, Security Agreement and Real Estate Mortgage 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 Loan Agreement, Mortgage and Security Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to National Wine & Spirits Corporation for the purposes of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, and the repayment of said loan by National Wine & Spirits Corporation will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

**SECTION 2.** The forms of the Series 1983 Note, Loan Agreement, Mortgage and Security Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Trust Indenture, Irrevocable Letter of Credit, Reimbursement Agreement, Reimbursement Note, Security Agreement, Real Estate Mortgage and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project), the Trust Indenture, Irrevocable Letter of Credit, Reimbursement Agreement, Reimbursement Note, Security Agreement and Real Estate Mortgage are on file in the office of the Clerk of the Council for public inspection.

**SECTION 3.** The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project) in the aggregate principal amount of Two Million Dollars (\$2,000,000) dated as of the day of closing for the purpose of procuring funds to loan to National Wine & Spirits Corporation in order to finance the economic development facilities, as more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by National Wine & Spirits Corporation on its Series 1983 Note in the principal amount of Two Million Dollars (\$2,000,000) which will be executed and delivered by National Wine & Spirits Corporation to evidence and secure said loan, and monies drawn under the Letter of Credit issued by The Indiana National Bank, and as otherwise provided in the above described Series 1983 Note, Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Irrevocable Letter of Credit, Reimbursement Agreement, Reimbursement Note, Security Agreement and Real Estate

**Mortgage.** The Bonds are issuable as registered Bonds without coupons in denominations of \$5,000 and any authorized multiple thereof and shall be redeemable as provided in the Trust Indenture. Payments of principal and interest, and the premium, if any, payable upon redemption, are payable at the office of The Indiana National Bank, as Trustee, in the City of Indianapolis, Indiana, or at the principal office of any successor trustee or additional paying agent appointed under the Trust Indenture or by check or draft mailed by the Trustee to such registered owner at his address as it appears on the registration books of the Issuer kept by the Trustee or at such other address as is furnished to the Trustee in writing by such registered owner. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

**SECTION 4.** The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the aggregate principal amount thereof and at a stated per annum rate of interest equal to seventy percent (70%) of the prime commercial lending rate announced by The Indiana National Bank, Indianapolis, Indiana, at its principal office from time to time, payable initially on March 1, 1983, and thereafter on the first day of each month, until payment of such principal amount, or provision therefor, shall have been made upon redemption or at maturity, or at such higher rate as may be provided for in the Loan Agreement, Mortgage and Security Agreement, Trust Indenture or the Bonds resulting from a determination of taxability. Principal shall be payable on April 1, 1983, and on the first day of each month thereafter to and including February 1, 1993, in the amount of \$8,333.33 for each payment, with a final payment on March 1, 1993, in the amount of \$1,008,333.73.

**SECTION 5.** The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project), and the Trust Indenture approved herein and their execution is hereby confirmed on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the Trustee named in the Trust Indenture, payment for which will be made to the Trustee named in the Trust Indenture. The execution and delivery of the Bonds shall occur within one hundred and twenty (120) days from the passage of this ordinance. The Mayor and City Clerk may by their execution of the Financing Agreement, Trust Indenture, and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein (and may also approve changes in the Irrevocable Letter of Credit, Reimbursement Agreement, Reimbursement Note, Security Agreement and Real Estate Mortgage) without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

**SECTION 6.** The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holders of the Economic Development First Mortgage Revenue Bonds, Series 1983 (National Wine & Spirits Corporation Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

**SECTION 7.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**PROPOSAL NO. 63, 1983.** This proposal for an inducement resolution authorizing proceedings with respect to proposed economic development revenue bonds for Donald C. O'Keefe in an amount not to exceed \$600,000 was recommended

for passage by the Economic Development Committee by a vote of 3-0 on February 11, 1983. Councillor Brinkman moved, seconded by Councillor Sawyers, for adoption. Proposal No. 63, 1983, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Jones, McGrath, Miller, Nickell, Page Rader, Rhodes, Sawyers, SerVaas, Stewart, Tintera, Vollmer, West*  
5 NAYS: *Dowden, Howard, Journey, Schneider, Strader*

Proposal No. 63, 1983, was retitled SPECIAL RESOLUTION NO. 14, 1983, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 14, 1983**

**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 "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, Donald C. O'Keefe or a partnership or entity in which Donald C. O'Keefe, and either, or both Robert A. Scellato and James Fischer are partners (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction and equipping of a new building containing approximately 11,000 square feet to be used by Donald C. O'Keefe and Associates DBA The Trane Company and Central Indiana Service, Inc. DBA Central Indiana Trane Service for the sale and service of Trane Air Conditioning equipment and the machinery and equipment to be installed therein plus certain site improvements to be located at the southwest corner of 65th Street and Rucker Road, Indianapolis, Indiana, on approximately 2.28 acres (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 4 additional jobs at the end of one year and 14 additional jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, it would appear that the financing and use by Donald C. O'Keefe and Associates DBA The Trane Company and Central Indiana Service, Inc. DBA Central Indiana Trane Service of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition, construction and equipping, and use by Donald C. O'Keefe and Associates DBA The Trane Company and Central Indiana Service, Inc. DBA Central Indiana Trane Service, of the facilities will not have an adverse competitive effect in any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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



**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such actions as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

**SECTION 2.** The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$600,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Donald C. O'Keefe or a partnership or entity in which Donald C. O'Keefe, and either, or both Robert A. Scellato and James Fischer are partners (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes and the use of the Project by Donald C. O'Keefe and Associates DBA The Trane Company and Central Indiana Service, Inc. DBA Central Indiana Trane Service will serve the public purposes referred to above, in accordance with the Act.

**SECTION 3.** In order to induce the Company to proceed with the acquisition, construction and equipping of the Project and the use of the Project by Donald C. O'Keefe and Associates DBA The Trane Company and Central Indiana Service, Inc. DBA Central Indiana Trane Service, the City-County 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 that all of the foregoing shall be mutually acceptable to the City and the Company; (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 bonds.

**SECTION 4.** All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

**PROPOSAL NO. 64, 1983.** This proposal for an amended inducement resolution authorizing proceedings with respect to proposed economic development revenue bonds for J-C Products Corporation and Aluminum Finishing Corporation in an amount not to exceed \$7,550,000. Councillor Brinkman reported that the Economic Development Committee recommended passage by a vote of 3-0 on February 11, 1983. She moved, seconded by Councillor Tintera, for adoption. Proposal No. 64, 1983, was adopted on the following roll call vote; viz:

*23 YEAS: Borst, Boyd, Brinkman, Campbell, Cottingham, Coughenour, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

4 NAYS: Clark, Dowden, Durnil, Schneider  
2 NOT VOTING: Jones, Nickell

Proposal No. 64, 1983, was retitled SPECIAL RESOLUTION NO. 15, 1983, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 15, 1983**

**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 "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, this City-County Council on April 7, 1980 passed City-County Special Resolution No. 27, 1980 inducing the acquisition, construction and equipping of an approximately 103,074 square foot building for use by J-C Products Corporation and Aluminum Finishing Corporation of Indiana who would conduct surface treatment of aluminum articles for manufacturers and supplying of aluminum components to the commercial building industry therein (the "Original Project"); and

WHEREAS, high interest rates and a number of other factors kept the Original Project from being constructed at that time and since then, on September 15, 1982 the facility occupied by J-C Products Corporation and Aluminum Finishing Corporation was destroyed by fire thereby requiring new facilities in which to conduct these businesses; and

WHEREAS, a corporation to be formed by the merger of J-C Products Corporation and Aluminum Finishing Corporation of Indiana, or a partnership to be formed consisting of the principals of J-C Products Corporation and Aluminum Finishing Corporation, or a partnership to be formed consisting of the principals of J-C Products Corporation and Aluminum Finishing Corporation of Indiana, and the General Contractor (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction and equipping of a 180,000 square foot building for surface treatment of aluminum articles and supplying aluminum components to be used by J-C Products Corporation and Aluminum Finishing Corporation of Indiana and the machinery and equipment to be installed therein plus certain site improvements to be located either in the Carter Jackson Industrial Park (33rd Street and Post Road) on approximately 15 to 20 acres, or on Rawles Avenue east of Post Road on approximately 40 acres, or at 30th Street and Post Road between Lan Blower and Mitthoefer on approximately 32 acres, Indianapolis, Indiana, on approximately 2.28 acres (the "Amended Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 37 additional jobs at the end of one year and 97 additional jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Amended Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, it would appear that the financing of the Amended Project and use by J-C Products Corporation and Aluminum Finishing Corporation of Indiana Project

would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition, construction and equipping and use by J-C Products Corporation and Aluminum Finishing Corporation of Indiana of the facilities will not have an adverse competitive effect in any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such actions as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$7,550,000 to be privately placed under the Act for the acquisition, construction and equipping of the Amended Project and the sale or leasing of the Amended Project to a corporation to be formed by the merger of J-C Products Corporation and Aluminum Finishing Corporation of Indiana, or a partnership to be formed consisting of the principals of J-C Products Corporation and Aluminum Finishing Corporation of Indiana, or a partnership to be formed consisting of the principle of J-C Products Corporation and Aluminum Finishing Corporation of Indiana, and the General Contractor (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Amended Project, the City-County 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 that all of the foregoing shall be mutually acceptable to the City and the Company; (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 bonds.

SECTION 4. All costs of the Amended Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Amended Project will be permitted to be included as part of the bond issue to finance said Amended Project, and the City will thereafter sell the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

PROPOSAL NO. 74, 1983. This proposal for a rezoning ordinance was certified by the Metropolitan Development Commission on February 4, 1983. Council consent was given for passage. Proposal No. 74, 1983, was retitled REZONING ORDINANCE NO. 17, 1983, and reads as follows:



**REZONING ORDINANCE NO. 17, 1983 83-Z-19 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 9**

**1426 WEST 29TH STREET, INDIANAPOLIS**

City of Indianapolis, Department of Administration, Agent for the Department of Parks and Recreation, requests rezoning of 13.00 acres, being in PK-1 district, to SU-9 classification, to provide for maintenance building.


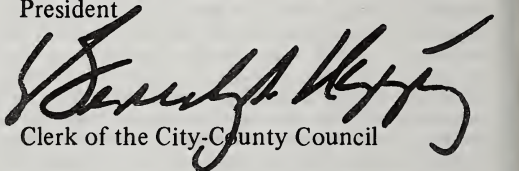
**ANNOUNCEMENTS AND ADJOURNMENT**

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:31 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, Indiana, held at its Regular Meeting on the 14th of February, 1983.

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

ATTEST:

  
President  
  
Clerk of the City-County Council

(SEAL)