

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, October 10, 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 7:04 p.m., Monday, October 10, 1983. President SerVaas in the Chair. Councillor Patricia Nickell 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 September 12, 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, October 10, 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:**

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I cause to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on September 29, 1983, and October 6, 1983, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 449, 457, and 458, 1983, to be held on Monday, October 10, 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. 72, 1983, adopting the City-County Annual Budget for 1984, appropriating amounts necessary to defray expenses for the operation of every facet of government of the Consolidated City of Indianapolis and of Marion County, for the calendar and fiscal year beginning January 1, 1984, and ending December 31, 1984, establishing the method of financing such expense by allocating anticipated revenues and expenses, and establishing salaries, wages, and compensation rates and limitations with respect to certain employees of the City and County.

FISCAL ORDINANCE NO. 73, 1983, levying taxes and fixing the Rate of Taxation for the purpose of raising revenue to meet the necessary expenses of Indianapolis and Marion County Government and its insitutions for the calendar year 1984.

SPECIAL RESOLUTION NO. 75, 1983, authorizing and directing the appropriate officers of Marion County to cause to be prepared and executed an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for Marion County.

SPECIAL RESOLUTION NO. 76, 1983, authorizing and directing the appropriate officers of the Consolidated City of Indianapolis to cause to be prepared and executed an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for the Consolidated City of Indianapolis - Marion County.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

**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. 74, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Ten Thousand Dollars (\$10,000) 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.

FISCAL ORDINANCE NO. 75, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional One Million Eight Hundred Seventy-five Thousand Dollars (\$1,875,000) in the Manpower Federal Programs Fund for purposes of the Department of Administration, Employment and Training Division and reducing the unappropriated and unencumbered balance in the Manpower Federal Programs Fund.

FISCAL ORDINANCE NO. 76, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) transferring and appropriating Twenty-one Thousand Three Hundred Dollars (\$21,300) in the state and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 99, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limit.

GENERAL ORDINANCE NO. 100, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 101, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 102, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 103, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 104, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 105, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 106, 1983, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

SPECIAL RESOLUTION NO. 77, 1983, approving the lease between the Department of Parks and Recreation and the Transportation Museum, Inc.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

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

PROPOSAL NO. 505, 1983. This proposal commends Robert J. Roush, Director of the Meadows Skills Center. Councillor Howard read the proposal and moved for

its adoption, seconded by Councillor Boyd. Proposal No. 505, 1983, was adopted by unanimous voice vote of the Council, retitled SPECIAL RESOLUTION NO. 78, 1983, and Councillor Howard presented Mr. Roush, students and teachers of the Skills Center with the resolution, which reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 1983

A SPECIAL RESOLUTION commending Robert J. Roush, Director of the Meadows Skills Center.

WHEREAS, Robert J. Roush is the Director of the Meadows Skill Center, a satellite facility of Clark College; and

WHEREAS, the Meadows Skills Center currently has more than three hundred and thirty (330) students enrolled; and

WHEREAS, the Meadows Skills Center trains the students as clerical specialists, information processors and nursing assistants; and

WHEREAS, the vast majority of the students are minorities and hard core unemployed living under financial and economically depressed conditions with their tuition being paid by basic education grants; and

WHEREAS, Robert J. Roush has ensured that the students receive, at no charge, GED preparation, reading enrichment, and tutoring; and

WHEREAS, more than two hundred and fifty (250) students have been placed in private sector employment since March, 1982; now, therefore:

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

SECTION 1. Robert J. Roush is hereby commended for his excellent leadership provided to the Meadows Skill Center.

SECTION 2. Robert J. Roush is further commended for his commitment to the training and placement of the hard core unemployed which benefits the Indianapolis community.

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

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

PROPOSAL NO. 500, 1983. Introduced by Councillor Boyd. This proposal appoints William R. Simons to the Marion County Board of Ethics. The Council gave consent to sending all proposals to committee dealing with board appointments. Therefore, President SerVaas referred Proposal No. 500, 1983, to the Rules and Policy Committee.

PROPOSAL NO. 501, 1983. Introduced by Councillor Miller. This proposal appoints Fred G. Johnson to the Marion County Board of Ethics. The President referred it to the Rules and Policy Committee.

PROPOSAL NO. 496, 1983. Introduced by Councillor West. This proposal ratifies the hiring of John R. von Arx as the Coordinator of the Marion County Community Corrections Program. Councillor West reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 6-0 on October 6, 1983. He moved, seconded by Councillor Borst, for adoption. Proposal No. 496, 1983, was adopted by unanimous voice vote of the Council, retitled COUNCIL RESOLUTION NO. 15, 1983, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 1983

A COUNCIL RESOLUTION ratifying and approving the appointment of John R. von Arx as the Coordinator of the Marion County Community Corrections Program.

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

SECTION 1. The City-County Council ratifies and approves the appointment by the Marion County Community Corrections Advisory Board of John R. von Arx as the Coordinator of the Marion County Community Corrections Program.

SECTION 2. This appointment may commence upon adoption of this resolution by the full Council.

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

PROPOSAL NO. 506, 1983. Introduced by Councillor Schneider. This proposal rejects the appeal of Steven Aldrich. Councillor Stewart reported that the Transportation Committee held a hearing on September 21, 1983, concerning the encroachment permit application for Steven Aldrich, 6401 Spring Mill Road. She stated that the Committee voted 6-0 in favor of upholding the Controller's recommendation by virtue of no jurisdiction. Councillor Stewart moved, seconded by Councillor Borst, for adoption. Proposal No. 506, 1983, was adopted by unanimous voice vote of the Council, retitled COUNCIL RESOLUTION NO. 16, 1983, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 1983

A COUNCIL RESOLUTION rejecting the appeal of Steven Aldrich.

WHEREAS, on September 21, 1983, a hearing was held before the Transportation Committee, the General Counsel presiding, concerning the appeal of Steven Aldrich from denial of an encroachment permit by the City Controller; and

WHEREAS, Steven Aldrich did not appear but several appeared in opposition to the petition; and

WHEREAS, after the hearing, the Transportation Committee voted unanimously to uphold the decision of the City Controller because the location of the proposed encroachment was upon a public right-of-way within the Town of Meridian Hills and the City Controller was without jurisdiction under city ordinances and state law to grant the petition for encroachment; 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 determines that on appeal by Steven Aldrich, his application for an encroachment, the decision of the City Controller is affirmed, and the application denied.

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

INTRODUCTION OF GUESTS

Councillor Dowden introduced Mrs. June Beechler, Dr. and Mrs. Hackler and Mrs. Marjorie Nackenhorst who were present regarding Proposal Nos. 450—452, 1983. Councillor McGrath recognized the delegation of the Baptist Temple. Councillor Coughenour introduced a student Wes Jackson.

[Clerk's Note: Councillor Brinkman moved, seconded by Councillor Gilmer, to advance Proposal Nos. 480 through 492, 1983, on the agenda. She explained that all of the proposals have been recommended for passage by the Economic Development Committee on October 7, 1983. Consent was given and the President referred the proposals to Modifications of Special Orders.]

PROPOSAL NO. 469, 1983. Introduced by Councillors SerVass and Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Ellen Jane Helbing to the Indianapolis Marion County Building Authority"; and the President referred it to the Administration Committee.

PROPOSAL NO. 470, 1983. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing William R. Wayman to the Indianapolis Marion County Building Authority"; and the President referred it to the Administration Committee.

PROPOSAL NO. 471, 1983. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code dealing with personnel policies, specifically with leaves and holidays"; and the President referred it to the Administration Committee.

PROPOSAL NO. 472, 1983. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to allow personal leave and perfect attendance leave to be carried over from one calendar year to the next"; and the President referred it to the Administration Committee.

PROPOSAL NO. 473, 1983. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$150,000 for the Guardian Home for an infirmary and isolation area"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 474, 1983. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing Marion County to borrow on a temporary loan for the use of the County Welfare Fund during the period January 3, 1984 to December 29, 1984 and authorizing the issuance of tax anticipation time warrants to evidence such loan"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 475, 1983. Introduced by Councillors Miller, McGrath and Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION recommending that the dual system of welfare administration be abolished"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 476, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$639 for the Lawrence Township Assessor to pay temporary employees and adjust the personnel schedule"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 477, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$500 for the Decatur Township Assessor for general office supplies"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 478, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$1,750 for the County Coroner to purchase supplies for the remainder of 1983"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 479, 1983. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing Marion County to borrow on a temporary loan for the use of the County General Fund during the period January 3, 1984 to December 29, 1984 and authorizing the issuance of tax anticipation time warrants to evidence such loan"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 480, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an induce-

ment resolution authorizing proceedings with respect to proposed economic development bonds for Maryland Development Co., Inc. in an approximate amount of \$2,200,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 481, 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 bonds for Luett Associates in an approximate amount of \$600,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 482, 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 bonds for John W. Roth, or a corporation to be formed in which John W. Roth is a majority shareholder, or a partnership to be formed in which John W. Roth is a general partner, in an approximate amount of \$600,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 483, 1983. Introduced by Councillor Nickell. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for GNB Investments in an approximate amount of \$2,400,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 484, 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 bonds for Jerry L. Bratton and Mary E. Bratton, Trustees in an approximate amount of \$450,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 485, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE designating the parcel of land commonly known as 333 Massachusetts Avenue as an economic development target area"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 486, 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 bonds for The Horizon Partnership in an amount not to exceed \$10,000,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 487, 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 bonds for Whittier Place Associates in an approximate amount of \$300,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 488, 1983. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Hamilton, Harris and Company in an approximate amount of \$2,200,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 489, 1983. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for DHC Realty in an approximate amount of \$1,075,000"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 490, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the amendment of financing documents regarding the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bond for the Economy Company Project (no new bonds being issued)"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 491, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the amendment of financing documents regarding the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1981 for the Havens and Kosten Project (no new bonds being issued)"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 492, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of a \$700,000 Economic Development Mortgage Revenue Bond for Dr. Beurt R. SerVaas"; and the President referred it to the Committee of the Whole to be heard under Modifications of Special Orders.

PROPOSAL NO. 493, 1983. Introduced by Councillors SerVaas and Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Charles N. Braun, II to the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 494, 1983. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning special police"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 495, 1983. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION confirming the Mayor's appointment of Richard Blankenbaker as chairman of the Marion County Criminal Justice Coordinating Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 497, 1983. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$2,500 for the Probation Department for mileage claims that have increased due to the development of the House Arrest Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 498, 1983. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$225,000 for the Flood Control Division from Supplemental Community Development Block Grant Funds"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 499, 1983. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$150,000 for the Flood Control Division to acquire easements which will allow construction of various projects"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 502, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing

intersection controls at Greenbriar-Northbrook Old Town Shopping Centers"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 503, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Russell Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 504, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Morris Street"; and the President referred it to the Transportation Committee.

MODIFICATION OF SPECIAL ORDERS

[Clerk's Note: Council consent was given in order that the Council Rules on Preparation, Initiation, and Introduction of Proposals may be suspended and the following proposals may be introduced, although not timely submitted under the Rules.]

PROPOSAL NOS. 507-522, 1983. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on October 7, 1983". Council consent was given for passage. Proposal Nos. 507-522, 1983, were retitled REZONING ORDINANCE NOS. 149-164, 1983, and read as follows:

**REZONING ORDINANCE NO. 149, 1983 83-Z-116 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
2630 BRILL STREET, INDIANAPOLIS**
Marvin and Sandra Ray, by Samuel J. Voland, requests rezoning of 0.26 acre, being in D-5 district, to C-3 classification, to provide for commercial use.

**REZONING ORDINANCE NO. 150, 1983 83-Z-127 Amended WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 9
3802 NORTH KENWOOD AVENUE and 3817 NORTH CAPITOL AVENUE, INDIANAPOLIS**
Popeye's of Indianapolis, Inc., by S. James Fishman, requests rezoning of 0.33 acre, being in D-5 district, to C-3 classification, to provide for restaurant use.

**REZONING ORDINANCE NO. 151, 1983 83-Z-137 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
250 WEST 86TH STREET, INDIANAPOLIS**
Saint Luke's United Methodist Church, by James T. Bisesi, requests rezoning of 2.16 acres, being in D-2 district, to SU-1 classification, to provide for expansion of the existing church.

**REZONING ORDINANCE NO. 152, 1983 83-Z-149 Amended PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8
6102 WEST 38TH STREET, INDIANAPOLIS**
Church of God, by John W. Van Buskirk, requests rezoning of 3.81 acres, being in SU-1 and D-4 districts, to C-3 classification, to provide for the construction of a restaurant.

**REZONING ORDINANCE NO. 153, 1983 83-Z-150 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 10
3355 NORTH KEYSTONE AVENUE, INDIANAPOLIS**
Shell Oil Company, by James L. Tuohy, requests rezoning of 0.39 acre, being in D-5 district, to C-3 classification, to conform zoning to the existing use.

**REZONING ORDINANCE NO. 154, 1983 83-Z-154 DECATUR TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
4101 WEST THOMPSON ROAD, INDIANAPOLIS**
David Guthrie requests rezoning of 26.83 acres, being in A-2 district, to SU-16 classification, to provide for softball diamonds.

**REZONING ORDINANCE NO. 155, 1983 83-Z-156 DECATUR TOWNSHIP
COUNCILMANIC DISTRICT NO. 19
3980 SOUTH FOLTZ STREET, INDIANAPOLIS**
Hope Baptist Church, by Alan L. Crapo, requests rezoning of 11.03 acres, being in A-2 district, to SU-1 classification to provide for church use.

**REZONING ORDINANCE NO. 156, 1983 83-Z-163 Amended WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 15
7233 EAST 16TH STREET, INDIANAPOLIS**
William Wells, by David Backer, requests rezoning of 4.60 acres, being in D-3 district, to C-1 classification, to provide for construction of a nursing home.

**REZONING ORDINANCE NO. 157, 1983 83-Z-165 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
1601 NORTH MITTHOEFER ROAD, INDIANAPOLIS**
Hubert Strange, by Philip A. Nicely, requests rezoning of 80.00 acres, being in D-6 II and D-4 districts, to C-2 classification, to provide for a retirement center.

**REZONING ORDINANCE NO. 158, 1983 83-Z-166A Amended PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
4380 SOUTH MERIDIAN STREET, INDIANAPOLIS**
George M. Bixler Trust, by Joseph H. Yeager, Successor Trustee, by Louis H. Borgmann, requests rezoning of 5.76 acres, being in A-2 district, to C-4 classification, to provide for commercial use.

**REZONING ORDINANCE NO. 159, 1983 83-Z-166B Amended PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
4380 SOUTH MERIDIAN STREET (REAR), INDIANAPOLIS**
George M. Bixler Trust, by Joseph H. Yeager, Successor Trustee, by Louis H. Borgmann, requests rezoning of 20.47 acres, being in A-2 district, to C-2 classification, to provide for commercial use.

**REZONING ORDINANCE NO. 160, 1983 83-Z-167 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 2
757 EAST 86TH STREET, INDIANAPOLIS**
Eric Taylor and Jeanette M. Taylor, by Thomas D. Mantel, request rezoning of 2.03 acres, being in the C-S district, to the C-1 classification, to provide for the use of existing structures as offices.

**REZONING ORDINANCE NO. 161, 1983 83-Z-168 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6
675 EAST 46TH STREET, INDIANAPOLIS**
Indiana Annual Conference Trustees African Methodist Episcopal Church, by Larry G. Witney, requests rezoning of 0.33 acre, being in the C-3 district, to the SU-1 classification, to provide for parking for the church to be built at 4602 North College Avenue.

**REZONING ORDINANCE NO. 162, 1983 83-Z-169 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12
2240 NORTH POST ROAD, INDIANAPOLIS**
Carl W. Ritchie, by Lawson Clark, II, requests rezoning of 3.00 acres, being in C-4 district, to C-6 classification, to provide for a commercial restaurant.

**REZONING ORDINANCE NO. 163, 1983 83-Z-175 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
7110 ZIONSVILLE ROAD, INDIANAPOLIS**

Park 100 Investors, Inc., by Philip A. Nicely, requests rezoning of 9.60 acres, being in the C-3 district, to the I-2-S classification, to provide for multi-tenant office warehouse type uses.

**REZONING ORDINANCE NO. 164, 1983 83-Z-183 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 16
516 INDIANA AVENUE, INDIANAPOLIS**

Carolyn Lucas Dickson, by John P. Reed, by William E. Limeberry, requests rezoning of 0.04 acre, being in the I-3-U district, to the CBD-2 classification, to provide for the re-location of a medical office.

SPECIAL ORDERS, FINAL ADOPTION

[Clerk's Note: Due to the number of citizens appearing at the Council with respect to Proposal Nos. 450, 451, 452, 1983, and because they were companion ordinances, Councillor Dowden moved to advance and consider all of the aforementioned proposals with one vote of the Council, seconded by Councillor Miller.]

PROPOSAL NO. 450, 1983. This proposal amends the Code concerning Live Entertainment. PROPOSAL NO. 451, 1983. This proposal amends the Code concerning Amusement Locations and Machines. PROPOSAL NO. 452, 1983. This proposal amends the Code concerning Motion Picture Theatres. Councillor Dowden reported that Proposal Nos. 450 and 452, 1983, were amended. He moved, seconded by Councillor Miller, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 450 and 452, 1983, by deleting the introduced versions and substituting there the proposals entitled, "Proposal Nos. 450 and 452, 1983, Committee Recommendations".

Councillor Dowden

Council consent was given on the amendments. Councillor Dowden reported that the Administration Committee recommended passage by votes of 6-0 on October 5, 1983. After a brief discription of each proposal, Councillor Dowden moved, seconded by Councillor Miller, for adoption. Proposal Nos. 450, 451, and 452, 1983, were adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Vollmer, West*
NO NAYS:

4 NOT VOTING: *Howard, Jones, Schneider, Tintera*

Proposal No. 450, 451, 452, 1983, were retitled GENERAL ORDINANCE NO. 107-109, 1983, respectively, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana" by adding a new Article XII of Chapter 17 concerning live entertainment.

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

SECTION 1. Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by adding a new Article XII to read as follows:

ARTICLE XII. LIVE ENTERTAINMENT

Sec. 17-397. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this section.

- a) "city" means the Consolidated City of Indianapolis.
- b) "live entertainment theater" means a building or any part thereof, generally used or designed to be used for the giving of live performances, including but not limited to live performances of drama, opera, music, and dance.
- c) "live entertainment arcade" means a building, or any part thereof, generally used or designed to be used for the giving of a live performance, including but not limited to dancing, said live performance being viewed by patrons from an enclosed or screened area or booth.
- d) "residence" means the place where a person actually lives or has his home.
- e) "church" means a building in which persons regularly assemble for public religious worship.
- f) "school" means:

(a) an institution of learning, whether public or private, which offers instruction in those courses of study required by standards set by the Indiana Commission on General Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, vocational school, or any special institution of learning under the jurisdiction of the Indiana Commission on General Education; and

(b) an accredited institution of higher education, including community or junior college, college or university.

Sec. 17-398. License required.

It shall be unlawful for any person to maintain or operate a live entertainment theater or live entertainment arcade in the City without first obtaining a license therefor from the City Controller.

Sec. 17-399. License fee.

The annual license fee shall be for the period of January first to December thirty-first and shall be determined as follows:

(a) Live Entertainment Theatre. Seventy-five Dollars (\$75.00) for each stage located on the business premises of the live entertainment theatre.

(b) Live Entertainment Arcade. Seventy-five Dollars (\$75.00) for each enclosed area or booth located on the business premises of the live entertainment arcade.

The maximum amount to be charged under this section for the license shall be Three Thousand Dollars (\$3,000.00).

Sec. 17-400. Exemptions from this article.

This article shall not apply to residences, churches, schools, an establishment regulated by the Alcoholic Beverage Commission, an establishment regulated by Article X (hotels, motels, lodging or rooming houses) of this Code, and any municipal or county owned facility.

Sec. 17-401. Application for license.

All applications for licenses shall be made to the Controller. The application for a license required by this article shall state, under oath, the following:

1. name and address of the applicant;
2. the name and address of the business;
3. telephone number of the applicant;
4. the state of incorporation (where applicable);
5. the names of partners or corporate officers and their home addresses (where applicable);
6. the resident agent and principal office of the corporation (where applicable);
7. the length of time the business has been in Indianapolis;
8. any previous location or location change of the business within two (2) years;
9. the applicant's citizenship;
10. whether or not the applicant or any partner or corporate officer of the applicant business has ever been denied a license, had a license revoked or suspended;
11. whether or not the applicant or any partner or corporate officer of the applicant business has been arrested or convicted of felonies, misdemeanors or ordinance violations other than a minor traffic charge;
12. whether all city, county, state and federal taxes have been paid; and
13. the seating capacity of the establishment.
14. the number of stages, screened areas or booths.

Sec. 17-402. Investigation.

Within thirty (30) days after receiving the application, the City License Administrator shall notify the applicant that the application is granted or recommended for denial to the City Controller, or held for further investigation. Such further investigation shall not exceed an additional thirty (30) days unless there are extenuating circumstances, in such a case the City License Administrator shall give written notice of the extenuating circumstances to the applicant. The City License Administrator shall advise the applicant in writing after the extenuating circumstances have been satisfied, whether the application is granted or recommended to the City Controller for denial.

Sec. 17-403. Grounds for denial.

A license applied for under this chapter may be denied to an applicant if applicant:

1. where applicable, is not a corporation organized by law or authorized and qualified to do business in the state;
2. knowingly permits any sort of illegal conduct or practices to take place on his premises or in the conduct of his business;
3. fails to certify by affidavit that the business premises will not be used for illegal purposes;
4. is not a citizen of the United States or a declarant for citizenship, as prescribed by law.

Sec. 17-404. Grounds for suspension or revocation.

A license granted under this chapter may be suspended or revoked if licensee:

1. conducts his business and premises in such a manner as to create a nuisance to the public;
2. knowingly permits any sort of illegal conduct or practices to take place on his premises or in the conduct of his business; or
3. violates Section 17-405 or 17-406 of this Code.

Sec. 17-405. Unlawful acts.

(a) It shall be unlawful to own or operate any location which is a "live entertainment arcade", as defined in this article, which has individual booths, unless the booth meets the following requirements:

1. Each booth shall have a rectangular shaped entranceway of not less than two (2) feet wide and six (6) feet high.
2. There shall be no door, curtain or other obstruction blocking or closing off such entranceway so as to obstruct the visibility of a patron 24 inches from the floor of the booth.

(b) It shall be unlawful for a patron to be present in a booth in a "live entertainment arcade", as defined in this article, unless he/she are visible from 24 inches from the floor of the booth.

(c) It shall be unlawful for any owner to use or allow to be used a booth in a "live entertainment arcade" which does not meet the requirements as set out in section 17-405 (a).

(d) A violation of this section shall be sufficient grounds for revocation by the controller of a license held under this article. In addition, the penalties provided in section 1-8 of the "Code of Indianapolis and Marion County, Indiana", shall apply to this section.

Sec. 17-406. Operation.

(a) All establishments, regulated by this article, shall be kept in a clean, healthful and sanitary condition at all times and the city controller shall have the power to determine if such room or rooms are kept in sanitary condition and for such purpose, when desired, have the assistance of the administrator of the division of development services and the health and hospital corporation of Marion County. If said controller shall determine, after investigation by the division of development services or the health and hospital corporation of Marion County, that an unsanitary condition exists within an establishment which property is under the control of the establishment owners, or their lessee or lessor, he shall have the power to suspend the establishment license for such premises until such unsanitary condition is rectified.

(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within said licensed establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for their revocation of the license by the controller.

(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such violation, within said establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for said establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license of the amusement location by the controller.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance or 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. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable 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 provisions shall not be affected, if and only if such remain-

ing provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

CITY-COUNTY GENERAL ORDINANCE NO. 108, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by repealing Articles VI and VII of Chapter 17 and replacing them with a new Article VI concerning Amusement Locations and Machines.

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

SECTION 1. Article VI of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby repealed.

SECTION 2. Article VII of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby repealed.

SECTION 3. Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by adding a new Article VI to read as follows:

ARTICLE VI. AMUSEMENT LOCATIONS AND MACHINES

Sec. 17-184.

Whenever used in this article, the following words or phrases shall be defined as herein stated:

(a) Amusement location: means any public room or area containing five (5) or more amusement machines.

(b) Amusement machine: means a coin-operated machine or device offered to the public as a game or amusement, the object of which is to achieve a high or low score based on the skill of the player, including, but not limited, to video games, pool or billiard tables and pinball machines. Such a machine or device designed and used exclusively for the vending of merchandise of a tangible nature shall not be deemed an amusement machine.

(c) Pool or billiard table: means a table used for any form of the games commonly referred to as pool or billiards and includes any table of any size, the top of which is surrounded by an elastic ledge or cushion and which is designed or used to play any game which consists of impelling balls by means of sticks or cues.

(d) Master vendor: means a person, corporation or entity who sells, leases or rents any amusement machine, whether on his own behalf or for another, within Indianapolis, Marion County, Indiana.

(e) Exhibitor: means any person owning or conducting a place of business in the city and operating or exhibiting at such place of business one (1) or more amusement machines.

Sec. 17-185. Unlawful acts.

For the purposes of this article, the following acts shall be deemed to be unlawful as herein stated:

(a) Amusement location license. It shall be unlawful to own or operate any location fitting the definition of an "amusement location" as stated in this article, without an amusement location license issued by the city controller.

(b) Amusement machine license. It shall be unlawful to allow to be operated in any public place any amusement machine without an amusement machine license issued by the city controller.

(c) Master vendor's license. It shall be unlawful for any person, corporation or entity to act as a master vendor without a master vendor's license issued by the city controller. A master vendor's license shall not be transferable.

(d) It shall be unlawful to allow a child under sixteen (16) years of age who is subject to the compulsory school attendance laws of the State of Indiana and who is not accompanied by a parent, guardian, or custodian to be present in an amusement location between the hours of 7:00 a.m. and 2:30 p.m. on a day when such child's school is in session.

(e) It shall be unlawful to allow a person who has not reached the age of eighteen (18) years to be present in an amusement location after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian, or custodian, or an adult specified by the child's parent, guardian or custodian.

(f) It shall be unlawful to operate an amusement location unless a sign is conspicuously posted inside the location which provides that no child under sixteen (16) may be present in an amusement location from 7:00 a.m. to 2:30 p.m. on a day when the child's school is in session unless accompanied by a parent, guardian or custodian; and no child under eighteen (18) may be present in an amusement location in violation of the curfew established by state or local law.

(g) It shall be unlawful for an exhibitor or his employee to allow a child under sixteen (16) years of age who is subject to the compulsory school attendance laws of the State of Indiana and who is not accompanied by a parent, guardian, or custodian to operate an amusement machine between the hours of 7:00 a.m. and 2:30 p.m. on a day when such child's school is in session.

(h) It shall be unlawful for an exhibitor or his employee to allow a person who has not reached the age of eighteen (18) years to operate an amusement machine after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian or custodian, or an adult specified by the child's parent, guardian or custodian.

(i) It shall be unlawful for an exhibitor to have amusement machines on his premises unless a sign is conspicuously posted near any amusement machines which provides that no child under sixteen (16) years of age may operate an amusement machine from 7:00 a.m. to 2:30 p.m. on a day when the child's school is in session unless accompanied by a parent, guardian, or custodian; and no child under eighteen (18) who is in violation of the curfew established by state or local law may operate an amusement machine.

Sec. 17-186. Application for licenses.

I. The application for a license to own or operate an amusement location shall contain the following information and be signed individually under penalties of perjury for false information on the application:

- (a) Name of the applicant and, if a partnership or corporation, the state in which organized;
- (b) Residence address of applicant;
- (c) Business address of applicant;
- (d) The age and citizenship of the applicant, if an individual; of all partners, if the applicant is a partnership or joint venture; or of the manager and officers, if the applicant is a corporation;
- (e) The street address of the premises to be licensed;
- (f) The name and residence address of the owner of the premises proposed for licensing;
- (g) The location, and time and duration of any other amusement location operated by the applicant presently or at any previous time, and whether such license was revoked;
- (h) The number of pool or billiard tables and amusement machines that are to be located on the premises to be licensed;
- (i) The name of the manager or operator if said person is not the applicant;
- (j) The name and address of the master vendor or vendors.

II. The application for an amusement machine license or master vendor's license shall be made in such form and contain such information as the city controller may prescribe.

Sec. 17-187. License term; fee; insignia; condition of machines.

The annual license fee shall be for the period of July first to June thirtieth, and shall be determined as follows:

- (a) Amusement location license:
 - 1. One Hundred Fifty Dollars (\$150.00); plus
 - 2. Twenty-five Dollars (\$25.00) for the first amusement machine located on the licensed premises; plus
 - 3. Ten Dollars (\$10.00) for the second and each additional amusement machine located on the licensed premises.
- (b) Amusement machine license, per machine, per annum -- Five Dollars (\$5.00).
- (c) Master vendor's license, per annum -- Five Hundred Dollars (\$500.00).

Each person, upon procuring an amusement machine license from the controller, shall be given one metal or plastic insignia for each amusement machine so licensed, which shall be securely attached thereto, and each amusement machine shall be kept in good operating condition at all times.

Sec. 17-188. Operation.

(a) All amusement locations shall be kept in a clean, healthful and sanitary condition at all times and the city controller shall have the power to determine if such room or rooms are kept in a clean, healthful and sanitary condition and for such purpose, when desired, have the assistance of the administrator of the division of buildings and the health and hospital corporation of Marion County. If said controller shall determine, by the division of buildings or the health and hospital corporation of Marion County, that an unsanitary condition exists within an amusement location or on property immediately adjacent to the amusement location, which property is under the control of the amusement location owners or their lessee or lessor, he shall have the power to suspend the amusement location license for such premises until such unsanitary condition is rectified.

(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within said amusement location or on parking areas or other property immediately adjacent to or normally used for purposes of parking for which property is under the control of the amusement location owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license of the amusement location by the controller.

(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such violation, within said amusement location or on parking areas or other property immediately adjacent to or normally used for purposes of parking for said amusement location which property is under the control of the amusement location owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license of the amusement location by the controller.

(d) No exhibitor or his employee shall permit persons to congregate in a disturbing manner on the premises of his place of business.

(e) No exhibitor or his employee shall violate any state statute or city ordinance, or allow any other person to commit such violation on the premises of the exhibitor's place of business.

Sec. 17-189. Investigation, rejection, notification.

The controller, before issuing a license, shall investigate the character of the applicant or applicants, and the officers or general manager of the business. Each licensee shall have an owner, manager or resident agent who shall be a resident of Marion County, Indiana. The license may be denied if the controller shall find that any of the persons named in the application have previously been convicted of a felony, connected with any amusement location where the license has been revoked, or where any of the provisions

of the law, applicable to him, have been violated, or if the amusement location or billiard or pool room sought to be licensed does not comply in every way with the ordinances and laws applicable thereto. All employees of the licensee shall be eighteen (18) years of age or older. If an application is denied, the applicant for such permit shall be notified in writing of the reasons for rejection and shall have the right to appeal accorded by this chapter.

Sec. 17-190. Inspections; report of violations.

It shall be the duty of every police officer, and all persons designated by the chief of police, county sheriff and city controller, to make frequent inspections of all amusement locations, and amusement machines, and if any gaming, improper or unlawful practices are observed to report the same to the chief of police or county sheriff for proper action and also to city controller, who thereupon may recommend proceedings to revoke the licenses, in accordance with the provisions of this chapter.

Sec. 17-192. Exemptions from this article.

This article shall not apply to any room or area under the jurisdiction of the Indiana State Alcoholic Beverage Commission, and to any room or area which is maintained by or for a benevolent, religious, educational, civic, patriotic, fraternal or philanthropic organization or purpose.

Sec. 17-193. Penalties.

The penalties provided in section 1-8 of the "Code of Indianapolis and Marion County, Indiana" shall apply to this article.

SECTION 4. (a) 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. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. 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 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 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

CITY-COUNTY GENERAL ORDINANCE NO. 109, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana" by repealing Article XXIV of Chapter 17 concerning Concert Halls and Theaters, and adding a new Article XXIV concerning Motion Picture Theatres.

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

SECTION 1. Article XXIV of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby repealed.

SECTION 2. Chapter 17 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by adding a new Article XXIV to read as follows:

ARTICLE XXIV. MOTION PICTURE THEATERS

Sec. 17-841. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this section:

- (a) "City" means the Consolidated City of Indianapolis.
- (b) "motion picture theater" means an establishment, intended to be used for the specific purposes of presenting or displaying, for any form of consideration, films, motion pictures, slides, closed circuit pictures, video tapes or any similar visual of photographic reproductions before an individual or assemblage of persons, whether such assemblage of a public, restricted or private nature. A motion picture shall not include a video game or any other amusement machine as defined in Section 17-184 of this Code.
- (c) "drive-in theater" means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation or display of films, motion pictures, slides, closed circuit pictures, video tapes or any similar visual or photographic reproductions, for any form of consideration, to persons in motor vehicles or on outdoor seats.
- (d) "picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to present or display films, motion pictures, slides, closed circuit pictures, video tapes or any similar visual photographic reproductions to five or fewer persons at any one time per machine, projector or device, for any form of consideration.
- (e) "residence" means the place where a person actually lives or has his home.
- (f) "church" means a building in which persons regularly assemble for public religious worship.
- (g) "school" means:
 - (1) an institution of learning, whether public or private, which offers instruction in those courses of study required by standards set by the Indiana Commission on General Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, vocational school, or any special institution of learning under the jurisdiction of the Indiana Commission on General Education; and
 - (2) an accredited institution of higher education, including community or junior college, college or university.

Sec. 17-842. License required.

It shall be unlawful for any person to maintain or operate a motion picture theatre, drive-in theatre, or picture arcade, in the City without first obtaining a license therefor from the city controller.

Sec. 17-843. License fee.

The annual license fee shall be for the period of January first to December thirty-first and shall be determined as follows:

- (a) Motion picture theatres. Seventy-five Dollars (\$75.00) for each picture screen or any such area used for displaying a projected image on the business premises of the motion picture theatre.
- (b) Drive-in theatres. Seventy-five Dollars (\$75.00) for each picture screen or any such area used for displaying a projected image on the business premises of the motion picture theatre.
- (c) Picture arcades. Two Hundred Dollars (\$200.00) for each picture screen or any such area used for displaying a projected image on the business premises of the picture arcade.

The maximum amount to be charged under this section for the license shall be Three Thousand Dollars (\$3,000.00).

Sec. 17-849. Unlawful acts.

(a) It shall be unlawful to own or operate any location which is a "picture arcade", as defined in this article, which has individual booths, unless the booth meets the following requirements:

1. Each booth shall have a rectangular shaped entranceway of not less than two (2) feet wide and six (6) feet high.
2. There shall be no door, curtain or other obstruction blocking or closing off such entranceway so as to obstruct the visibility of a patron 24 inches from the floor to the floor of the booth.

(b) It shall be unlawful for a patron to be present in a booth in a "picture arcade", as defined in this article, unless he/she are visible from 24 inches from the floor of the booth.

(c) It shall be unlawful for any owner to use or allow to be used a booth in a "picture arcade" which does not meet the requirements as set out in section 17-849(a).

(d) A violation of this section shall be sufficient grounds for revocation by the controller of a license held under this article. In addition, the penalties provided in section 1-8 of the "Code of Indianapolis and Marion County, Indiana", shall apply to this section.

Sec. 17-850. Operation.

(a) All establishments, regulated by this article, shall be kept in a clean, healthful and sanitary condition at all times and the city controller shall have the power to determine if such room or rooms are kept in sanitary condition and for such purpose, when desired, have the assistance of the administrator of the division of development services and the health and hospital corporation of Marion County. If said controller shall determine, after investigation by the division of development services or the health and hospital corporation of Marion County, that an unsanitary condition exists within an establishment which property is under the control of the establishment owners, or their lessee or lessor, he shall have the power to suspend the establishment license for such premises until such unsanitary condition is rectified.

(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within said licensed establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for their revocation of the license by the controller.

(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such violation, within said establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for said establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license of the amusement location by the controller.

SECTION 3. (a) The expressed or implied repeal or amendment by this ordinance or 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. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. 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 provisions shall not be affected, if and only if such remaining provisions can, without the invalid provisions 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 5. Any building currently regulated under Article VII (Amusement Machines) of this Code, which will be regulated by this ordinance shall be entitled to apply the license fee paid for the current amusement machine location license to the initial license fee required to be paid by this ordinance.

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

SPECIAL ORDERS, UNFINISHED BUSINESS

PROPOSAL NO. 448, 1983. This proposal asks the Congress to turn down the \$8,000,000,000 increase for the International Monetary Fund and suggests a more creative solution to the problem. After discussion, Councillor Coughenour moved, seconded by Councillor Dowden, for adoption. The motion failed for lack of a statutory majority on the following roll call vote; viz:

12 YEAS: Clark, Coughenour, Dowden, Holmes, McGrath, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Vollmer

14 NAYS: Borst, Boyd, Brinkman, Campbell, Durnil, Gilmer, Hawkins, Howard, Journey, Miller, Sawyers, Strader, Tintera, West

3 NOT VOTING: Cottingham, Jones, Schneider

[Clerk's Note; By consent of the Council Proposal Nos. 480 through 492, 1983, were considered for final adoption at this point in the meeting.]

PROPOSAL NO. 480, 1983. This proposal for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Maryland Development Co., Inc. in an approximate amount of \$2,200,000. Councillor Brinkman reported that the Economic Development Committee recommended passage by a vote of 3-0 on October 7, 1983. Costs for the \$3,798,460 project are as follows: \$188,000 land, \$2,850,000 buildings, \$710,460 equipment and \$50,000 other contingencies. This Company is in the business of distributing candy, tobacco and groceries, including frozen foods. Additional employment at the end of the first year totals five unskilled jobs and fifteen additional unskilled positions at the end of three years. Councillor Brinkman moved, seconded by Councillor Cottingham, for adoption. Proposal No. 480, 1983, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brinkman, Campbell, Cottingham, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, McGrath, Miller, Nickell, Page, Rader, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West

1 NAY: Coughenour

5 NOT VOTING: Clark, Dowden, Jones, Rhodes, Schneider

Proposal No. 480, 1983, was retitled SPECIAL RESOLUTION NO. 79, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 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, renovation, expansion, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, Maryland Development Co., Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, renovate, expand, construct, install 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, renovation, expansion, construction, installation and equipping of an existing building by the addition of approximately 28,330 square feet of building and the machinery and equipment to be installed therein plus certain site improvements located in the Stout Field Industrial Park, Indianapolis, Indiana, on approximately 4.7 acres of land which will be leased by the Company to Grocers Supply Co., Inc. for use as a wholesale food distribution facility (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 5 at the end of one year and 15 at the end of three years) to be achieved by the acquisition, renovation, expansion, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing 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, renovation, expansion, construction, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$2,200,000 under the Act for the acquisition, renovation, expansion, construction, installation and equipping of the Project and the sale or leasing of the Project to Maryland Development Co., Inc. (the "Company") which will be leased by the Company to Grocers Supply Co., Inc. for use as a wholesale food distribution facility 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, renovation, expansion, construction, installation and equipping of the 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; 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 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, renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, expansion, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the 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. 481, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Luett Associates in an approximate amount of \$600,000, was recommended for passage by a vote of 3-0 on October 7, 1983. Councillor Brinkman reported that this project is a partnership of three stockholders of the AGA Corporation. The current location at 3758 West Morris Street will be expanded by the addition of a two level, 25,500 square foot structure on a one and one-half acre site located at 3760 West Morris Street. Costs for the \$675,000 project are as follows: \$75,000 land and \$600,000 building. Estimated additional employment positions at the end of one year totals twenty-six, of which nineteen are skilled, six are semi-skilled, and one unskilled. The projection at the end of three years totals forty-six positions, of which thirty-four are skilled, ten are semi-skilled and two unskilled. Councillor Brinkman moved, seconded by Councillor Cottingham, for adoption. Proposal No. 481, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

7 NOT VOTING: *Clark, Coughenour, Dowden, Jones, Nickell, Schneider, Strader*

Proposal No. 481, 1983, was retitled SPECIAL RESOLUTION NO. 80, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 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, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, Luett Associates (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, construct, install 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, installation and equipping of a new two story building containing approximately 25,500 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located on the west 1 1/2 acres of a 3 acre site at 3760 West Morris Street, Indianapolis, Indiana, of which approximately 12,800 square feet will be used by Turbo & Diesel Injection Co., Inc. for rebuilding and distribution of diesel motor parts and accessories, approximately 5,600 square feet will be used by Starter & Generator Exchange, Inc. for rebuilding truck and heavy equipment starters and alternators, and approximately 7,100 square feet will be used by AGA Corporation for rebuilding and distribution of heavy duty truck and equipment parts (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 26 at the end of one year and 46 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing 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, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$600,000 under the Act for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Luett Associates (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, installation and equipping of the 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; 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 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, installation 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. 482, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for John W. Roth, or a corporation to be formed in which John W. Roth is a majority shareholder, or a partnership to be formed in which John W. Roth is a general partner, in an approximate amount of \$600,000, was recommended to be amended and passed by the Economic Development Committee on October 7, 1983, by a vote of 3-0. Councillor Brinkman moved, seconded by Councillor West, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 482, 1983, by deleting the introduced version and substituting therefor, the proposal entitled, "Proposal No. 482, 1983, Committee Recommendations".

Councillor Brinkman

Consent was given on the amendment. The project is to construct a 19,000 square foot building on 3.66 acres at Saguaro Trail in the Morenci Professional Park. Costs for the \$601,250 project are as follows: \$66,250 land, \$450,000 buildings, \$55,000 equipment and \$30,000 other contingencies. Estimated additional employment positions at the end of one year total thirteen jobs, of which eight are skilled, two are semi-skilled and three unskilled. The three-year projection totals twenty additional positions, of which thirteen are skilled, three semi-skilled and four unskilled. The proposal was amended by increasing the amount from \$400,000 to \$600,000. Councillor Brinkman moved, seconded by Councillor West, for adoption. Proposal No. 482, 1983, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Nickell, Page, Rader, Rhodes, Sawyers,

SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

5 NOT VOTING: Coughenour, Dowden, Jones, McGrath, Schneider

Proposal No. 482, 1983, As Amended, was retitled SPECIAL RESOLUTION NO. 81, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 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, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, John W. Roth, or a corporation to be formed in which John W. Roth is a majority shareholder, or a partnership to be formed in which John W. Roth is a general partner (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, construct, install 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, installation and equipping of an approximately 19,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located in the Morenci Professional Park on Saguaro Trail at the northwest quadrant of the intersection of Guion Road and Saguaro Trail, Indianapolis, Indiana, on approximately 3.66 acres of land which will be leased by the Company to Roth Mooney Electrical Agency, Inc. and Electrical Systems Co., Inc. (both of which are owned, controlled and operated by John W. Roth) for use in the wholesale distribution of electrical construction and maintenance equipment and supplies to electrical distributors and contractors and for use in the speciality contractor business of the sale, installation and maintenance of fire alarm systems, life safety systems, hospital emergency call systems, telephone systems, professional sound reinforcement systems, which business is performed as either a sub-contractor for an electrical contractor or a prime contractor directly with an owner (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 13 at the end of one year and 33 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing 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, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$600,000 under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to John W. Roth, or a corporation to be formed in which John W. Roth is a majority shareholder, or a partnership to be formed in which John W. Roth is a general partner (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, installation and equipping of the 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; 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 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, installation 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. 483, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for GNB Investments in an approximate amount of \$2,400,000, and the Economic Development Committee recommended passage by a vote of 3-0 on October 7, 1983. Councillor Brinkman reported that this proposal plans for the construction of a new building at the northwest corner of 86th Street and Hague Road to be used for a 120-bed intermediate and skilled nursing care center, which will be leased by the partnership to Castleton Management, Inc. The building will be built on 7.02 acres and will contain 38,500 square feet. Costs for the \$2,165,000 project are as follows: \$1,620,000 buildings, \$260,000 equipment, and \$285,000 other contingencies. Councillor Brinkman moved, seconded by Councillor Gilmer, for adoption. Proposal No. 483, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: *Coughenour, Dowden, Jones, McGrath, Schneider*

Proposal No. 483, 1983, was retitled SPECIAL RESOLUTION NO. 82, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 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, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, GNB Investments (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, construct, install 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, installation and equipping of a building containing approximately 38,500 square feet and the machinery and equipment to be located at the north-west corner of 86th Street and Hague Road, Indianapolis, Indiana, on approximately 7.02 acres of land, which will be leased by the Company to Castleton Management, Inc. which will use the facility for the operation of a 120 bed intermediate and skilled care nursing health care facility (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 100 at the end of one year and three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing 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, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$2,400,000 under the Act to be privately placed and have a bank letter of credit for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to GNB Investments (the "Company") which will be leased by the Company to Castleton Management, Inc. which will use the facility for the operation of a 120 bed intermediate and skilled care nursing health care facility 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, installation and equipping of the 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; 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 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, installation 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. 484, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Jerry L. Bratton and Mary E. Bratton, Trustees in an approximate amount of \$450,000, was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Councillor Brinkman reported that this project is to construct a 21,997 square foot building on 1.22 acres of land at 2100 Cunningham Road. Costs for the \$550,000 project are as follows: \$90,000 land, \$392,000 buildings, \$5,000 equipment and \$63,000 other contingencies. Estimated additional employment positions at the end of one year total three jobs, of which two are semi-skilled and one unskilled. The three year projection totals eight additional positions. Councillor Brinkman moved, seconded by Councillor West, for adoption. Proposal No. 484, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: *Coughenour, Dowden, Jones, McGrath, Schneider*

Proposal No. 484, 1983, was retitled **SPECIAL RESOLUTION NO. 83, 1983**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 83, 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, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, Jerry L. Bratton and Mary E. Bratton, Trustees (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, construct, install 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, installation and equipping of an approximately 21,997 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located at 2100 Cunningham Road, Speedway, Marion County, Indiana on approximately 1.22 acres of land which will be leased to B & W Plumbing & Heating Co., Inc. and Bratton Materials, Inc. for their use as warehousing and offices in their plumbing, heating and air conditioning operations (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 3 at the end of one year and 8 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing 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, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis or Speedway, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$450,000 under the Act, such financing to be consented to by the fiscal body of Speedway, Indiana pursuant to I.C. 36-7-12-22, for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Jerry L. Bratton and Mary E. Bratton (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, installation and equipping of the 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; 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 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, installation 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. 485, 1983. This proposal for a special ordinance designating the parcel of land commonly known as 333 Massachusetts Avenue as an economic development target area was recommended for passage by a vote of 3-0 on October 7, 1983. Councillor Brinkman moved, seconded by Councillor Clark, for adoption. Proposal No. 485, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: *Clark, Coughenour, Dowden, Jones, Schneider*

Proposal No. 485, 1983, was retitled SPECIAL ORDINANCE NO. 24, 1983, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 24, 1983

A SPECIAL ORDINANCE designating part of the Consolidated City as an Economic Development Target Area, which designation meets the requirements imposed by I.C. 36-7-12 for allowing industrial development bond financing for economic development facilities used for retail trade, banking, credit agencies or services.

WHEREAS, I.C. 36-7-12 (as amended by P.L. 40-1983) limits the use of industrial development bonds for financing economic development facilities for retail trade, banking, credit agencies or certain services; and

WHEREAS, the statute provides that such economic development facilities may be financed by industrial development bonds if the facility is located in an Economic Development Target Area and the City-County Council finds the facility will not have an adverse competitive impact or operating facilities of the same kind in the same market area and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, I.C. 36-7-12-38 (as added by P.L. 40-1983) authorizes the City-County Council, after favorable recommendation by the Economic Development Commission, to designate by ordinance a specific geographic area in the Consolidated City, no larger than 25% of the area of the Consolidated City, as an Economic Development Target Area; and

WHEREAS, I.C. 36-7-12-2, as amended, (as added by P.L. 40-1983) indicates that an Economic Development Target Area means a geographic area that:

“(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improve-

of Lot 7; thence Northeast along the Northwest line of Lots 7 and 9 in said Square 104.17 feet to a point at the Northwest corner of Lot 9; thence Southeast at a right angle to the Northwest line of Lot 9 a distance of 32 feet; thence East along the North line of Lot 9 a distance of 78.33 feet (77.65 feet by survey); thence South at right angles to the North line of Lot 9 to a point in the South line of Lot 9, said South line being common with the North line of Lot 8, a distance of 39 feet; thence West along the common South line of Lot 9 and North line of Lot 8 a distance of 17.75 feet; thence South at a right angle to the North line of Lot 8 a distance of 63 feet to a point in the South line of Lot 8; thence West along the South line of Lots 8 and 7 in said Square, 139.33 feet (138.71 feet by survey) to the point of beginning.

meets the requirement imposed by I.C. 36-7-12-2, as amended of having “. . . become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property . . .” and also of being located in an area that “. . . has been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under I.C. 36-7-11, I.C. 36-7-11.1, or I.C. 14-3-3.2 . . .”

SECTION 2. This City-County Council hereby designates, pursuant to I.C. 36-7-12, as amended, the parcel set forth in Section 1 of this ordinance as an Economic Development Target Area.

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

PROPOSAL NO. 486, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for The Horizon Partnership in an amount not to exceed \$10,000, was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Councillor Brinkman reported that this project is to construct a new 120,000 square foot retail/office building on a .46 acre site at 333 Massachusetts Avenue. Estimated costs for the \$10,000 project are as follows: \$300,000 land, \$8,000,000 buildings, and \$1,700,000 other contingencies. The project will offer approximately 150 construction jobs. The estimated number of additional permanent employment positions at the end of one and three years total twelve to fifteen jobs. Councillor Brinkman moved, seconded by Councillor West, for adoption. Proposal No. 486, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: Coughenour, Dowden, Jones, Schneider

Proposal No. 486, 1983, was retitled SPECIAL RESOLUTION NO. 84, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 84, 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, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, The Horizon Partnership (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, construct, install 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, installation and equipping of an approximately 120,000 square foot building and the machinery and equipment to be installed therein to be located at 333 Massachusetts Avenue, Indianapolis, Indiana, on approximately 0.46 acres of land in a registered historic district which will be used as general office space, retail shops and parking for lease to the general public (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 15 at the end of one year and three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing 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, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 \$10,000,000 under the Act subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended subject to the Project receiving an Urban Development Action Grant under section 119 of the Housing and Community Development Act of 1974 and to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to The Horizon Partnership (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, installation and equipping of the 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; 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 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, installation 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. 487, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Whittier Place Associates in an approximate amount of \$300,000, was recommended for passage by the Economic Development Committee on October 7, 1983. Councillor Brinkman reported that the this project is to purchase and renovate the existing vacant IPS John Greenleaf Whittier Shool on a one-acre site at 1119 North Sterling for the use as twenty-four apartment units. Costs for the \$910,000 project are as follows: \$10,000 land and \$900,000 building. Estimated additional employment positions at the end of one and three years total one part-time skilled and one part-time semi-skilled. Councillor Brinkman moved, seconded by Councillor West. Proposal No. 487, 1983, was adopted on the following roll call vote; viz:

19 YEAS: *Borst, Boyd, Brinkman, Campbell, Cottingham, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Page, Rader, Rhodes, Sawyers, SerVaas, Tintera, Vollmer, West*

7 NAYS: *Clark, Dowden, Durnil, Journey, Nickell, Stewart, Strader*

3 NOT VOTING: *Coughenour, Jones, Schneider*

Proposal No. 487, 1983, was retitled SPECIAL RESOLUTION NO. 85, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 85, 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, renovation 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, Whittier Place Associates, an Indiana Limited Partnership to be formed (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, renovate 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, renovation and equipping of the existing building formerly used as an Indianapolis Public School Building and the machinery and equipment to be installed therein plus certain site improvements located at 1119 North Sterling, Indianapolis, Indiana, on approximately one acre of land which will be used by the Company as a multifamily housing facility containing 24 units which will be leased to the general public (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 1 at the end of one year and three years) to be achieved by the acquisition, renovation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing of the Project and leasing units in the Project to the general public would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition, renovation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$300,000 under the Act to be privately placed for the acquisition, renovation and equipping of the Project and the sale or leasing of the Project to Whittier Place Associates, an Indiana Limited Partnership to be formed (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, renovation and equipping of the 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; 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 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 renovation, underwriting expenses, attorney and bond counsel fees, 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 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. 488, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Hamilton, Harris and Company in an approximate amount of \$2,200,000, was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Councillor Brinkman reported that this project is to acquire an existing structure containing \$100,000 square feet on 7.3 acres of land at 5820-5840 Fortune Circle West Drive to be used for the wholesale distribution of cigarettes, tobacco and candy products. Estimated costs for the \$2,200,000 project are as follows: \$1,400,000 for existing land, building and equipment, and \$500,000 new equipment, \$100,000 renovation, and \$200,000 other contingencies. Estimated additional employment positions at the end of one year total four unskilled jobs and the three year projection is twelve additional positions. Councillor Brinkman moved, seconded by Councillor Tintera, for adoption. Proposal No. 488, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Coughenour, Dowden, Jones, Schneider*

Proposal No. 488, 1983, was retitled SPECIAL RESOLUTION NO. 86, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 86, 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, renovation 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, Hamilton, Harris and Company (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate 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, renovation and equipping of an existing building containing approximately 100,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at 5820-5840 Fortune Circle West Drive, Indianapolis, Indiana, on approximately 7.3 acres of land which will be used by the Company as the Company's corporate headquarters, central Indiana distribution center in its capacity as

a wholesale distributor of tobacco and candy products and will also house the Company's central Indiana vending machine operations plus approximately 18,000 square feet will be leased by the Company to Industrial Hydraulics, Inc. which will utilize the space for the manufacturing and service of hydraulic pumps (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 4 at the end of one year and 12 at the end of three years) to be achieved by the acquisition, renovation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, renovation and equipping of the facilities will not have an adverse competitive effect on any similar facility or facility of the same kind already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$2,200,000 under the Act to be privately placed for the acquisition, renovation and equipping of the Project and the sale or leasing of the Project to Hamilton, Harris and Company (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, renovation and equipping of the 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; 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 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 renovation, underwriting expenses, attorney and bond counsel fees, 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 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. 489, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for DHC Realty in an approximate amount of \$1,075,000, was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Councillor Brinkman reported that this project is to purchase and expand an existing forty-bed facility at 2926 North Capital Avenue. Projected costs for the \$1,245,000 project are as follows: \$520,000 existing building, \$570,000 new construction, \$105,000 new equipment and \$50,000 other contingencies. Estimated additional employment at the end of one and three years total twenty positions. Councillor Brinkman moved, seconded by Councillor Howard, for adoption. Proposal No. 489, 1983, was adopted on the following roll call vote; viz:

2. YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Nickell, Miller, Page, Rader, Rhodes, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

6 NOT VOTING: *Coughenour, Dowden, Durnil, Jones, Sawyers, Schneider*

Proposal No. 489, 1983, was retitled SPECIAL RESOLUTION NO. 87, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 87, 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, renovation, construction, expansion, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, DHC Realty (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the city either acquire, renovate, construct, install 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, renovation, construction, expansion, installation and equipping of an existing 40 bed intermediate and skilled care nursing home facility by the addition of approximately 8,236 square feet of building which will contain an additional 30 beds (intermediate and skilled) and the machinery and equipment to be installed therein plus certain site improvements located at 2926 North Capitol Avenue, Indianapolis, Indiana, on approximately 0.82 acres of land (the "Project") which will be leased by the Company to Wilmetco, Inc. which will operate the Project; and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 20 at the end of one year and three years) to be achieved by the acquisition, renovation, construction, expansion, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing 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, renovation, construction, expansion, installation and equipping of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or 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 action 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 approximate amount of \$1,075,000 under the Act to be privately placed and have a bank letter of credit for the acquisition, renovation, construction, expansion, installation and equipping of the Project and the sale or leasing of the Project to DHC Realty (the "Company") which will be leased by the Company to Wilmetco, Inc. which will operate the Project 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, renovation, construction, expansion, installation and equipping of the 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; 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 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, renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, construction, expansion, installation 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. 490, 1983. This proposal, for an ordinance authorizing the amendment of financing documents regarding the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bond for the Economy Company Project (no new bonds being issued), was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Councillor Brinkman explained that this proposal contains minor amendments regarding credit security and the need for a second mortgage. Councillor Brinkman moved, seconded by Councillor West, for adoption. Proposal No. 490, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Coughenour, Dowden, Jones, Schneider*

Proposal No. 490, 1983, was retitled SPECIAL ORDINANCE NO. 25, 1983, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 25, 1983

A SPECIAL ORDINANCE authorizing amendment of financing documents regarding the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bond (The Economy Company Project) to permit the imposition of a second mortgage on the Project and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana, a municipal Corporation organized and existing under the laws of the State of Indiana ("Issuer"), and The Economy Company ("Borrower") entered into a Loan Agreement, Mortgage and Security Agreement, dated as of May 1, 1982 (the "Loan Agreement"), pursuant to which the Issuer made a loan to Borrower for the purpose of acquiring, constructing, installing and equipping an economic development facility consisting of the acquisition and construction of a 39,000 square foot structure located on approximately 4.52 acres of land located at 5454 West 84th Street, Indianapolis, Indiana, together with the equipment and machinery therein or thereon to serve as assembly and distribution facilities for the educational materials published by the Company; and

WHEREAS, to provide funds for such loan, the Issuer issued and sold its revenue bonds in the principal amount of \$1,200,000 under a Bond Purchase Agreement, dated as of May 1, 1982 (the "Purchase Agreement"), among the Issuer and The Liberty National Bank and Trust Company of Oklahoma City (the "Bondholder"); and

WHEREAS, Section 4.5(a) of the Loan Agreement requires that the Borrower keep the Project free from certain liens and Section 4.5(b) of the Loan Agreement requires that the Borrower not mortgage or grant a security interest in the Project without the prior written consent of the Bondholder; and

WHEREAS, the Borrower proposes to enter into a Credit Agreement and a First Amendment to Credit Agreement with the Bondholder and the Bank of Oklahoma, N.A. of Tulsa, Oklahoma (collectively "the Banks") under which the Banks would lend the Borrower up to \$15,000,000 pursuant to the Credit Agreement, First Amendment to Credit Agreement and Mortgage and Security Agreement; and

WHEREAS, to effectuate the foregoing, it is necessary that the Issuer and Bondholder consent to the Borrower's entering into the Credit Agreement and Mortgage and Security Agreement; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 7, 1983, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the proposed consent by the Issuer complies with the purposes and provisions of Indiana Code 36-7-12 and that such proposed consent by the Issuer 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 Consent, the Credit Agreement, First Amendment to Credit Agreement and Mortgage and Security Agreement 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 proposed consent by the Issuer and imposition of a second mortgage on the Project through the Credit Agreement, the Consent, First Amendment to Credit Agreement and Mortgage and Security Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council 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 Consent, the Credit Agreement, First Amendment to Credit Agreement and Mortgage and Security Agreement 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 Consent, the Credit Agreement, First Amendment to Credit Agreement and Mortgage and Security Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor is authorized and directed to execute the Consent to the imposition of the second mortgage and to execute any document which may be necessary or desirable to consummate the transaction. The Mayor may by his execution of the Consent may approve changes in the Credit Agreement, First Amendment to Credit Agreement and Mortgage and Security Agreement 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 4. Nothing in the Consent, Credit Agreement, First Amendment to Credit Agreement and Mortgage and Security Agreement shall be deemed to affect the rights, remedies and relations of the Issuer, Borrower and Bondholder under the Loan Agreement or Purchase Agreement except as stated in the Credit Agreement and Mortgage and Security Agreement.

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

PROPOSAL NO. 491. 1983. This proposal, for an ordinance authorizing the amendment of financing documents regarding the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1981 for the Havens and Kosten Project (no new bonds being issued), was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Councillor Brinkman explained that a portion of the company's site has been condemned and the amendment permits the use of condemnation proceedings to purchase land. She added that the company also wishes to purchase another parcel of property located at I-465 and Highway 37 in anticipation that the remainder of their current location may also be condemned. Councillor Brinkman moved, seconded by Councillor Tintera, for adoption. Proposal No. 491, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Coughenour, Dowden, Jones, Schneider*

Proposal No. 491, 1983, was retitled SPECIAL ORDINANCE NO. 26, 1983, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 26, 1983

A SPECIAL ORDINANCE authorizing amendment of financing documents regarding the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1981 (Havens and Kosten Project) to permit the use of a condemnation award for real estate taken by the Issuer to acquire additional real estate and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana ("Issuer"), Donald L. Kosten and Vern E. Havens, individuals and residents of the State of Indiana ("Borrowers"), and Merchants National Bank & Trust Company of Indianapolis, a national banking association, with its principal office located at Indianapolis, Indiana, as Trustee ("Trustee") entered into a Loan Agreement, dated as of March 1, 1981 (the "Loan Agreement"), pursuant to which the Issuer made a loan to Borrowers for the purpose of acquiring, constructing, installing and equipping an economic development facility consisting of the acquisition of an existing warehouse containing approximately 52,000 square feet and the construction of a 7,000 feet addition to enlarge the existing warehouse and provide a sales office on approximately 1.78 acres of 550 South Capitol Avenue, Indianapolis, Indiana for electrical supplies and equipment which facility is more specifically described in Exhibit A to the Loan Agreement; and

WHEREAS, to provide funds for such loan, the Issuer issued and sold its revenue bonds in the aggregate principal amount of \$300,000 under a Mortgage and Indenture of Trust, dated as of March 1, 1981 (the "Indenture"), among the Issuer, Borrowers and Trustee; and

WHEREAS, pursuant to the Indenture, the Borrowers mortgaged the real estate described in Exhibit A attached to the Loan Agreement and made a part hereof (the "Project Site") to the Trustee for the benefit of the bondholders to secure the Borrower's obligations under the Loan Agreement; and

WHEREAS, the Issuer has determined to take a portion of the Project Site under the exercise of its power of eminent domain; and

WHEREAS, the Borrowers have received and conveyed to the Issuer and Trustee and Citizens Banking Company (the "Bondholder") the written appraisal of Max J. Royer which establishes that the value of the Project Site remaining after the Issuer's exercise of its power of eminent domain will equal or exceed the amount of the Bonds outstanding; and

WHEREAS, the Borrowers have requested that Section 5.2 of the Loan Agreement pertaining to the application of condemnation awards be amended to allow them to use the condemnation award for the real estate taken by the Issuer to acquire additional real estate; and

WHEREAS, Section 11.02 of the Indenture provides that the Issuer, Borrowers and Trustee shall not consent to such an amendment without the written consent of the holder of not less than two-thirds in aggregate principal amount of the outstanding bonds; and

WHEREAS, the Bondholder owns 100% of the outstanding Bonds; and

WHEREAS, the Bondholder has received notice of the proposed amendment and desires to give its written approval and consent to such amendment; and

WHEREAS, to effectuate the use of the condemnation award for real estate taken by the Issuer to acquire additional real estate it is necessary to amend the Loan Agreement; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 7, 1983, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the proposed use of a condemnation award for real estate taken by the Issuer to acquire additional real estate complies with the purposes and provisions of Indiana Code 36-7-12 and that such proposed use of a condemnation award for real estate taken by the Issuer to acquire additional real estate 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 form of the Amendment to 1981 Loan Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the use of a condemnation award for real estate taken by the Issuer to acquire additional real estate referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council 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 form of the Amendment to 1981 Loan Agreement 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 Amendment to 1981 Loan Agreement, Loan Agreement and Indenture are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall enter into the Amendment to 1981 Loan Agreement to permit the use of a condemnation award for real estate taken by the Issuer to acquire additional real estate.

SECTION 4. The Mayor and City Clerk are authorized and directed to execute the Amendment to 1981 Loan Agreement approved herein, and their execution is hereby confirmed on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction including such releases as are necessary to release from the lien of the Indenture the real estate which the Issuer desires to acquire from Borrowers through the exercise of its power of eminent domain. The Mayor and City Clerk may by their execution of the Amendment to 1981 Loan Agreement 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 5. Nothing in the Amendment to 1981 Loan Agreement shall be deemed to affect the rights, remedies and relations of the Issuer, Borrowers and Trustee under the Loan Agreement or Indenture except as stated in the Amendment to 1981 Loan Agreement and Supplemental Mortgage and Indenture of Trust.

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

PROPOSAL NO. 492, 1983. This proposal, for a final bond ordinance authorizing the issuance of a \$700,000 Economic Development Mortgage Revenue Bond for Dr. Beurt R. SerVaas, was recommended for passage by the Economic Development Committee by a vote of 3-0 on October 7, 1983. Dr. Beurt SerVaas, President of the City-County Council and principal shareholder of SerVaas Management, Inc., publicly disclosed his interest in SerVaas Management, Inc., excused himself from the Public Assembly Room during the discussion and vote on Proposal No. 492, 1983, and did not participate in any of the Council proceedings involving this proposal. Councillor Brinkman reported that this project provides for the construction and equipping of a 16,000 square foot building to be located on 1.3 acres of land at 1000 Waterway Boulevard to be used as corporate headquarters and the construction of a 12,860 square foot warehouse building. Councillor Brinkman moved for the adoption of Proposal No. 492, 1983, seconded by Councillor West. Proposal No. 492, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: *Dowden, Jones, Schneider, SerVaas, Strader*

Proposal No. 492, 1983, was retitled SPECIAL ORDINANCE NO. 27, 1983, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 27, 1983

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project)" in the principal amount of Seven Hundred Thousand Dollars (\$700,000) and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered Report of the Indianapolis Economic Development Commission Concerning the Proposed Financing of Economic Development Facilities for SerVaas Management Co., Inc., or Dr. Beurt R. SerVaas and a Report of the Indianapolis Economic Development Commission concerning the proposed amendment of the financing of economic development facilities for SerVaas Management, Inc., or Dr. Beurt R. SerVaas, which facilities will be acquired, constructed, installed and equipped by Dr. Beurt R. SerVaas and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 7, 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 Dr. Beurt R. SerVaas (the "Company") consisting of the acquisition, construction, installation and equipping of a new building containing approximately 16,000 square feet and a warehouse containing approximately 12,860 square feet to be used as corporate headquarters for and in connection with the business of various publishing and manufacturing operations of Dr. Beurt R. SerVaas, and machinery, equipment and furnishings to be installed therein plus certain site improvements, all to be located at 1000 Waterway Boulevard, Indianapolis,

Indiana on approximately 1.3 acres of land (the "Project") 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. The Project will be initially owned by Dr. Beurt R. SerVaas and operated by Dr. Beurt R. SerVaas who will lease space in the Project to various publishing and manufacturing operations of Dr. Beurt R. SerVaas; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Promissory Note and Loan 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 Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project) and the Bond Purchase Agreement, Real Estate Mortgage, Collateral Assignment of Leases and Rents, Assignment of Interests and Guaranty Agreement 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 consisting of the acquisition, construction, installation and equipping of a new building containing approximately 16,000 square feet and a warehouse containing approximately 12,860 square feet to be used as corporate headquarters for and in connection with the business of various publishing and manufacturing operations of Dr. Beurt R. SerVaas, and machinery, equipment and furnishings to be installed therein plus certain site improvements, all to be located at 1000 Waterway Boulevard, Indianapolis, Indiana on approximately 1.3 acres of land (the "Project") previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project), the loan of the net proceeds thereof to Dr. Beurt R. SerVaas for the purposes of financing the economic development facilities being acquired, constructed, installed and equipped or to be acquired, constructed, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Dr. Beurt R. SerVaas 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. The Project will be initially owned by Dr. Beurt R. SerVaas and operated by Dr. Beurt R. SerVaas who will lease space in the project to various publishing and manufacturing operations of Dr. Beurt R. SerVaas.

SECTION 2. The form of the Promissory Note and Loan Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Bond Purchase Agreement, Real Estate Mortgage, Collateral Assignment of Leases and Rents, Assignment of Interests, Guaranty Agreement and the form of the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Dr. Beurt R. SerVaas 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, the form of the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project), Bond Purchase Agreement, Real Estate Mortgage, Collateral Assignment of Leases and Rents, Assignment of Interests and Guaranty Agreement 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 Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project) in the principal amount of Seven Hundred Thousand Dollars (\$700,000) for the purpose of procuring funds to loan to Dr. Beurt R. SerVaas in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement incorporated herein by reference, which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Dr. Beurt R. SerVaas on his Promissory Note in the principal amount of Seven Hundred Thousand Dollars (\$700,000) which will be

executed and delivered by Dr. Beurt R. SerVaas to evidence and secure said loan, and as otherwise provided in the above described Promissory Note, Loan Agreement, Bond Purchase Agreement, Assignment of Interests, Guaranty Agreement, Real Estate Mortgage and Collateral Assignment of Leases and Rents. The Bond 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 Bond to American Fletcher National Bank and Trust Company (the "Purchaser") at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the outstanding principal balance equal to eighty percent (80%) of the Prime Rate (such term is defined in the Bond Purchase Agreement as the per annum rate of interest from time to time established and publicly quoted by the Purchaser as its Prime Rate) (with any change in said interest rate resulting from a change in the Prime Rate to be and become effective as of and on the date of the relevant change in the Prime Rate); provided, however, that in the event the Marginal Tax Rate (as defined in the Bond Purchase Agreement) shall change at any time or from time to time to a rate that is lower than the Marginal Tax Rate in effect on the date of the Bond Purchase Agreement, the foregoing tax-exempt interest rate on the Bond shall be adjusted as of the effective date of the relevant change in the Marginal Tax Rate, to a rate determined in accordance with the following formula:

$$I2 = I1 \left[1 + \frac{T1-T2}{1-T1} \right]$$

(for purposes of the formula, I1 is the original tax-exempt interest rate on the Bond (i.e., 80% of the Prime Rate); I2 is the new tax-exempt interest rate; T1 is the Marginal Tax Rate on the date of the Bond Purchase Agreement (i.e., 46%); and T2 is the new Marginal Tax Rate; further provided, however, that the rate of interest payable on the Bond shall not exceed 25% per annum unless there shall have occurred a Determination of Taxability (as defined in the Bond Purchase Agreement). Should a Determination of Taxability occur with respect to the Bond, the rate of interest on the Bond shall increase to a per annum rate equal to the Prime Rate plus 1% per annum (with any change in said interest rate resulting from a change in the Prime Rate to be and become effective as of and on the date of the relevant change in the Prime Rate), except that the rate of interest payable on the Bond shall not exceed 46% per annum, and in the event of a Determination of Taxability, the Bond shall bear interest on the unpaid principal amount at such rate from and after the first interest payment next following the date the Determination of Taxability occurred or the earliest date to which it applies (whichever date is later). Interest shall be computed on the basis of actual days elapsed and that a full year's interest is earned in 360 days. In addition, should a Determination of Taxability occur with respect to the Bond, Dr. Beurt R. SerVaas shall pay to the holder of the Bond within 30 days after the receipt of a written request therefor from the registered owner of the Bond, an amount of additional interest (over and above the interest otherwise paid or payable on the Bond) equal to:

(a) interest on the principal amount from time to time remaining unpaid on the Bond for the period commencing on the earliest date to which the Determination of Taxability applies and ending on the earlier of the date on which no portion of the Bond is outstanding or the date at which the per annum interest rate on the Bond has been increased as provided above, at a per annum rate equal to the excess of (i) the Prime Rate plus 1% per annum, or if such rate exceeds 46%, then 46%, over, (ii) the rate of interest otherwise paid or payable on the Bond (with any change in said interest rate resulting from a change in the Prime Rate to be and become effective as of and on the date of the relevant change in Prime Rate),

PLUS

(b) the amount of any interest (and, to the extent payable, any penalties) payable to the Internal Revenue Service by the holder of the Bond for the good faith failure to include the interest received on the Bond in gross income for federal income tax purposes.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement, the City of Indianapolis, Indiana

Economic Development Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project), Assignment of Interests and Bond Purchase Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bond may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to the Purchaser payment for which will be made in the manner set forth in the Bond Purchase Agreement. The Mayor and City Clerk may by their execution of the Financing Agreement, Bond Purchase Agreement and Assignment of Interests, and imprinting of their facsimile signatures on the Bond or their manual execution thereof approve changes therein and also in the Real Estate Mortgage, Collateral Assignment of Leases and Rents and Guaranty Agreement 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 Bond Purchase Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Mortgage Revenue Bond (Dr. Beurt R. SerVaas Project), and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond 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.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 449, 1983. This proposal transfers and appropriates \$488,000 for the Central Equipment Management Division to purchase equipment for the Departments of Parks and Recreation and Public Works. Councillor Dowden reported that the Administration Committee recommended passage by a vote of 6-0 on October 5, 1983. The President called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 449, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: *Jones, Journey, Schneider*

Proposal No. 449, 1983, was retitled FISCAL ORDINANCE NO. 77, 1983, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 77, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) transferring and appropriating an additional Four Hundred Eighty-eight Thousand Dollars (\$488,000) in the City General Fund for

purposes of the Department of Administration, Central Equipment Management Division and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the City 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 to purchase equipment for the Departments of Parks and Recreation and Public Works and transferring funds within the budget for personal services.

SECTION 2. The sum of Four Hundred Eighty-eight Thousand Dollars (\$488,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION		
CENTRAL EQUIPMENT MANAGEMENT DIV.		CITY GENERAL FUND
1. Personal Services		\$160,000
4. Capital Outlay		<u>328,000</u>
Total Increase		<u>\$488,000</u>

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

DEPARTMENT OF ADMINISTRATION		
CENTRAL EQUIPMENT MANAGEMENT DIV.		CITY GENERAL FUND
3. Other Services & Charges		\$160,000
Unappropriated and Unencumbered City General Fund		<u>328,000</u>
Total Reduction		<u>\$488,000</u>

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

PROPOSAL NO. 457, 1983. This proposal appropriates \$30,188 for the Marion County Prosecutor to continue various Juvenile Grant Projects. The Public Safety and Criminal Justice Committee recommended passage by a vote of 6-0. The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Borst, for adoption. Proposal No. 457, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: Clark, Dowden, Jones, Journey, Schneider

Proposal No. 457, 1983, was retitled FISCAL ORDINANCE NO. 78, 1983, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 78, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Thirty Thousand One Hundred Eighty-eight Dollars (\$30,188) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grant 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 providing Crime Control Funds for the planning, implementation and continuation of various Juvenile Grant Projects.

SECTION 2. The sum of Thirty Thousand One Hundred Eighty-eight Dollars (\$30,188) 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:

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
31. Personnel	\$24,309
35. Operating Expense	<u>1,301</u>
	\$25,610
MARION COUNTY AUDITOR	
31. Personnel (Fringes)	<u>4,578</u>
TOTAL INCREASE	\$30,188

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

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
Unappropriated and Unencumbered State and Federal Grant Fund	<u>\$30,188</u>
TOTAL REDUCTION	\$30,188

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Prosecutor	2	33,092	33,092 <u>37,968</u>
Director	1	22,500 <u>16,000</u>	22,500 <u>16,000</u>
Jury Assistant	1 <u>0</u>	19,630 <u>0</u>	19,630 <u>9,200</u>
Witness Coordinators	3	17,870	31,593
Secretaries	3	15,000	15,000 <u>16,375</u>
Counselor	2 <u>3</u>	12,500 <u>14,350</u>	22,628 <u>31,378</u>
Intern	1	10,500 <u>12,500</u>	10,500 <u>12,500</u>
Volunteer Coord.	0 <u>1</u>	0 <u>6,000</u>	0 <u>6,000</u>
Jury Coordinator	0 <u>1</u>	0 <u>7,500</u>	0 <u>7,500</u>
Vacancy Factor			(56,294) <u>(45,533)</u>
TOTAL	16		199,872 <u>\$122,981</u>

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

PROPOSAL NO. 458, 1983. This proposal appropriates \$3,630,000 for the Sanitary Division for the design engineering of sludge handling facilities. Councillor Coughenour moved, seconded by Councillor Dowden, to postpone Proposal No. 458, 1983 until October 24, 1983. Council consent was given.


ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:43 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 10th day of October, 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)