

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

REGULAR MEETINGS - MONDAY, MARCH 19, 1984

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Special Service District Council convened in the regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m., on Monday, March 19, 1984, with Councillor SerVaas presiding.

The meeting was opened with prayer by Councillor Beulah Coughenour. All joined in the Pledge of Allegiance to the Flag.

ROLL CALL

Councillor SerVaas instructed the Clerk to take the roll call of the Council, which was as follows:

PRESENT: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

ABSENT: Clark, Jones

Twenty-seven members being present, he announced a quorum.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Borst introduced Dr. Kirch, a professor at I.U.P.U.I and his urban political science students. Councillor Howard introduced Derick Pullens and Raymond Stiles of the South Baptist Church. Councillor Page introduced John Major, Councillor Cottingham introduced Bill Locey, Wayne 36 Precinct Committeeman, and Councillor Strader introduced Robert Murlay.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that **REGULAR MEETINGS** of the City-County Council and Police, Fire and Solid Waste Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, March 19, 1984, at 7:00 p.m., the purposes of such **MEETINGS** being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President
City-County Council

March 5, 1984

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis **NEWS** and The Indianapolis **COMMERCIAL** on March 8 and 15, 1984, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal Nos. 122 and 124, 1984, to be held on Monday, March 19, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippey
City Clerk

March 5, 1984

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis **NEWS** on March 6 and 13, 1984, and The Indianapolis **RECORDER** on March 8 and 15, 1984, a copy of **NOTICE TO TAXPAYERS** of General Ordinance No. 2, 1984.

Respectfully,

s/Beverly S. Rippey
City Clerk

March 12, 1984

**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. Rippey, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 14, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Nineteen Thousand Three Hundred Dollars (\$19,300) in the County General Fund for purposes of the Marion County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 17, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Five Thousand Dollars (\$5,000) in the County General Fund for purposes of the Warren Township Assessor and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 8, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 9, 1984, amending City-County General Ordinance No. 78, 1984, authorizing changes in the personnel schedule of the Wayne Township Trustee.

GENERAL ORDINANCE NO. 10, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 11, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 12, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 13, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 14, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

SPECIAL ORDINANCE NO. 4, 1984, 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 of services.

SPECIAL ORDINANCE NO. 5, 1984, 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 of services.

SPECIAL ORDINANCE NO. 6, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1984 (Maryland Development Co., Incorporated Project)" in the aggregate principal amount of Two Million Two Hundred Thousand Dollars (\$2,200,000) and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 7, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond - Series 1984 (Meyers Realty Company Project)" in the aggregate principal amount of One Million Dollars (\$1,000,000) and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 8, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984-A (Marott Development Company Project)" in the principal amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) and its "Economic Development Revenue Bond, Series 1984-B (Marott Development Company Project)" in the principal amount of Two Hundred Fifty Thousand Dollars (\$250,000) and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 9, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984-A (941 North Meridian Street Investment Company Project)" in the principal amount of Five Million Dollars (\$5,000,000) and its "Economic Development Revenue Bond, Series 1984-B (941 North Meridian Street Investment Company Project)" in the principal amount of Two Million Dollars (\$2,000,000) and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 10, 1984, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond, Series 1984 (Crown Paper Box Corporation Project)" in the principal amount of Eight Hundred Thousand Dollars (\$800,000) and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 11, 1984, 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 of services.

SPECIAL ORDINANCE NO. 12, 1984, amending Special Ordinance No. 39, 1983, 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 of services.

SPECIAL ORDINANCE NO. 13, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984 (American States Insurance Company Project)" in the principal amount of One Million Dollars (\$1,000,000) and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 11, 1984, honoring Dr. Beurt R. SerVaas.

SPECIAL RESOLUTION NO. 12, 1984, honoring the Warren Central High School Girls Basketball Team.

SPECIAL RESOLUTION NO. 13, 1984, honoring Deputy Chief Burnice Head of the Marion County Sheriff's Department.

SPECIAL RESOLUTION NO. 14, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 15, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 16, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 17, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 18, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 19, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 20, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 21, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 22, 1984, approving the leasing of certain real estate of the Department of Parks and Recreation.

Respectfully submitted,

s/William H. Hudnut, III
MAYOR

ADOPTION OF AGENDA

Council consent was given for the adoption of the Agenda of the City-County Council and Indianapolis Police, Fire and Solid Waste Special Service District Councils for March 19, 1984.

APPROVAL OF THE JOURNAL

Dr. SerVaas called for additions or corrections to the Journal of February 13, 1984. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 175, 1984. Introduced by Councillors Borst, Coughenour, Jones, McGrath and Miller, this proposal honors State Representative Doris Dorbecker. Councillor Miller read the proposal and moved for adoption, seconded by Councillor Howard. Proposal No. 175, 1984, was adopted by unanimous voice vote, re-titled **SPECIAL RESOLUTION NO. 23, 1984**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 1984

A SPECIAL RESOLUTION honoring State Representative Doris Dorbecker.

WHEREAS, State Representative Doris Dorbecker passed away Thursday, March 15, 1984 at the age of 64; and

WHEREAS, Doris Dorbecker served as a State Representative for fourteen (14) years until the time of her passing; and

WHEREAS, Mrs. Dorbecker spent a great deal of her life serving the public as one of the first members of the Marion County Library Board, a member of the Indianapolis Sesquicentennial Commission, member of the Indiana State Board of the Congress of Parents and Teachers, a delegate to the State Republican Convention from 1962 to 1978, vice-precinct committeeperson from 1952 to 1967, Perry West Township Ward Chairman from 1967 to 1972, served on the governing board of the Council of State Government, the Legislative Council, the Clearinghouse Advisory Panel of Federal Election Commission, and the Republican Platform Committee, was Chairwoman of the Governmental Reorganization Committee and a member of the Interstate Cooperation, Human Affairs, Public Policy, Veterans Affairs and Sunset Committees; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County hereby memorializes and honors Doris Dorbecker for her service to the citizens of this City and State and for her commitment to the people she so honorably represented.

SECTION 2. The City-County Council expresses its deepest sympathy to the family and loved ones of Doris Dorbecker for their loss.

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. 180, 1984. Read by Councillor Miller, this proposal urges the Mayor and the Capital Improvements Board to continue negotiations with the National Football League Teams. Councillor Miller moved, seconded by Councillor Borst, for adoption. Proposal No. 180, 1984, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 24, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 1984

A SPECIAL RESOLUTION urging continued negotiations with the National Football League Teams.

WHEREAS, the City of Indianapolis is committed to a program of economic development which is making Indianapolis the "Star of the Snowbelt"; and

WHEREAS, having a major league football team in Indianapolis would have a tremendous impact on economic development, increasing business and other revenues; and

WHEREAS, having a major league football team in Indianapolis would provide increased recreational opportunities for not only the residents of Indianapolis, but for the whole State of Indiana; and

WHEREAS, having a major league football team in Indianapolis would increase Indianapolis' stature as a truly great American City; and

WHEREAS, Indianapolis is truly a City on the move; 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 encourages continued negotiations to locate a National Football League Team in Indianapolis.

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

PROPOSAL NO. 162, 1984. This proposal approves the use of approximately \$2,000,000 of federal funds available from the U.S. Marshals Service Cooperative

Agreement Program for the construction of the addition to the Marion County Jail. Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 162, 1984, was adopted by unanimous voice vote, retitled GENERAL RESOLUTION NO. 2, 1984, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 2, 1984

A GENERAL RESOLUTION approving the use of approximately \$2,000,000 of federal funds available from the U.S. Marshals Service Cooperative Agreement Program for the Construction of the addition to the Marion County Jail.

WHEREAS, the U.S. Marshals Service Cooperative Agreement Program has approximately \$2,000,000 allocated for distribution to local governments for renovation, expansion or construction of local detention facilities; and

WHEREAS, the Cooperative Agreement Program requires local governments to utilize the funds solely for construction, expansion or renovation of detention facilities; and

WHEREAS, a local government which receives funds from the Cooperative Agreement Program must agree to provide eighty prisoner spaces for federal prisoners for fifteen years after receipt of funds; and

WHEREAS, Marion County is eligible to receive funds from the Cooperative Agreement Program; and

WHEREAS, Marion County is currently financing the construction of a five story addition to the existing jail facilities; and

WHEREAS, if Marion County receives funds from the Cooperative Agreement Program, the funds may be used to help defray the costs of the jail expansion project; now, therefore:

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

SECTION 1. If Marion County receives a \$2,000,000 grant from the U.S. Marshals Service Cooperative Agreement Program, the City-County Council of Indianapolis and Marion County agrees to provide eighty prisoner spaces for federal prisoners in the Marion County Jail for fifteen years as a requirement for participation in the U.S. Marshals Service Cooperative Agreement Program.

SECTION 2. The City-County Council of Indianapolis and Marion County approves the use of the Cooperative Agreement Program funds to help defray the costs of the jail expansion and authorizes compliance with the requirements of the Program.

SECTION 3. To the extent that proceeds of the Indianapolis-Marion County Building Authority Jail Building Bonds of 1983 are not needed to be applied on the project, and are not used for additional improvements and equipment within one (1) year after completion of the project as permitted by the Trust Indenture and Lease, and as soon as they have been deposited in the Operation and Reserve Fund and become available for the purchase of bonds, the Indianapolis-Marion County Building Authority is requested to purchase as many Jail Building Bonds of 1983 as possible. However, proceeds of the Jail Building Bonds of 1983 replaced by the federal grant shall be spent for additional improvements or equipment only after approval of this City-County Council.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 143, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Evelyn Lovelace to the Equal Opportunity Advisory Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 144, 1984. Introduced by Councillor Stewart. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$24,357 for the Marion County Guardian Home to employ a licensed practical nurse and two nurses aides to staff the new Infant Care Unit"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 145, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$8,000 for the Marion County Auditor to purchase microcomputer equipment"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 147, 1984. Introduced by Councillor Schneider. 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 Indianapolis Heliport Corporation in an approximate amount of \$3,200,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 148, 1984. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE designating the parcel of land commonly known as the southeast corner of the intersection of South New Jersey Street and Pearl Street as an economic development target area"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 155, 1984. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE for a final bond ordinance authorizing the issuance of \$400,000 Economic Development Revenue Bonds for Custom Cabinets of Indianapolis by Jim Good, Inc."; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 158, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Bill Locey to the Metropolitan Board of Zoning Appeals - Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 159, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the establishment of a fire department petty cash fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 160, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$4,350 for the Marion County Prosecutor to establish a family crisis counseling service"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 161, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION renewing the Marion County Community Corrections Program for fiscal year 1984-1985 and approves the actions of the Marion County Community Corrections Advisory Board with respect to the Board's 1984-1985 grant application to the State of Indiana, Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 163, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Rural and 19th Streets and converts 19th Street to eastbound from Rural Street to Oxford Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 164, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Massachusetts Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 165, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Pennsylvania Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 166, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing Laverock Road to westbound from Carrolton Avenue to College Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 167, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing weight

limit controls on a portion of Nelson Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 168, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Kealing Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 176, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code, Section 12-212, Exit sign illumination"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 177, 1984. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the leasing of surplus property by the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 178, 1984. Introduced by Councillors Coughenour, McGrath and West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION requiring that permits for alcoholic beverage sales not be granted unless the proposed premises is properly zoned"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 179, 1984. Introduced by Councillors Coughenour, Durnil, McGrath and Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requiring the Metropolitan Development Commission to publicly explain certain redevelopment activities"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS, PRIORITY BUSINESS

PROPOSAL NOS. 169-174, 1984. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on March 8, 1984. No action was taken by the Council, and the proposals were deemed adopted. Proposal Nos. 169-174, 1984, were re-titled REZONING ORDINANCE NOS. 42-47, 1984, and read as follows:

**REZONING ORDINANCE NO. 42, 1984 83-Z-217 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
2051 NORTH FRANKLIN ROAD, INDIANAPOLIS**

E & F Realty Company, by John Van Buskirk, request rezoning of 3.80 acres, being in the C-3 district, to the D-7 classification, to allow the construction of attached and/or detached residential structures.

**REZONING ORDINANCE NO. 43, 1984 84-Z-23 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
1210 NORTH POST ROAD, INDIANAPOLIS**

East 38th Street Christian Church, by C. Keith Pettigrew, requests rezoning of 12.23 acres, being in the A-2 district, to the SU-1 classification, to permit construction of a church.

**REZONING ORDINANCE NO. 44, 1984 84-Z-24 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
6651 PAYNE ROAD, INDIANAPOLIS**

Harry B. Kerr, by Wilson S. Stober, requests rezoning of 1.2 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial uses.

**REZONING ORDINANCE NO. 45, 1984 84-Z-50 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
9480 EAST WASHINGTON STREET, INDIANAPOLIS**

Ronald R. Cox, Sandra K. Cox and Pleasant Run Children's Home, Inc., by Bruce A. Polizotto, request rezoning of 0.45 acre, being in the D-2 district, to the SU-7 classification, to permit operation of a group home for young girls to be operated by Pleasant Run Children's Home, Inc.

**REZONING ORDINANCE NO. 46, 1984 84-Z-54 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
6301 WEST 71ST STREET, INDIANAPOLIS**

Golden Rule Insurance Company and The Indiana National Bank, by Wilson S. Stober, request rezoning of 10.8 acres, being in the D-2 district, to the C-6 classification, to provide for the construction of an executive motor hotel and related facilities.

**REZONING ORDINANCE NO. 47, 1984 84-Z-55 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
6401 WEST 71ST STREET, INDIANAPOLIS**

Golden Rule Insurance Company and The Indiana National Bank, by Wilson S. Stober, request the rezoning of 181 acres, being in the A-2, D-2 and D-3 districts, to the C-1 classification, to provide for the executive and administrative offices of Golden Rule Insurance Company and compatible professional office use.

PROPOSAL NO. 146, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development for Printed Wiring, Inc. in an approximate amount of \$4,000,000. Councillor Schneider reported that this proposal was recommended for passage by the Economic Development Committee by a vote of 8-0 on March 14, 1984. This company is relocating from Hamilton County to 9340 Corporation Drive. Estimated costs for the \$4,000,000 project are as follows: \$485,000 land, \$1,540,000 building, \$1,300,000 equipment and \$675,000 other contingencies. There are 50 additional positions estimated after the first year and 210 additional positions after the third year. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Councillor Miller abstained from voting. Proposal No. 146, 1984, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*

NO NAYS

4 NOT VOTING: *Clark, Jones, Miller, Strader*

Proposal No. 146, 1984, was retitled SPECIAL RESOLUTION NO. 25, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 1984

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, installation and equipping of said facilities either directly owned by or leased or sold to a company, and leased or sub-leased to users of the facilities; and

WHEREAS, Printed Wiring, Inc. (the "Company"), has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, 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, installation and equipping of an approximately 120,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements located at 9340 Corporation Drive, Indianapolis, Indiana, on approximately 19.4 acres of land which will be used by the Company for the manufacturing of high density multilayer, two-sided, and single sided printed circuits used in micro-computers, minicomputers, automotive, communications and other high tech electronics products, however, a portion of the building will be leased to other businesses during the first two to three years (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 50 at the end of one year and 210 at the end of three years) to be achieved by the acquisition, renovation, 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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, renovation, installation and equipping of the facilities will not have adverse competitive effect or impact 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 and the abatement of pollution 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 \$4,000,000 under the Act to be privately placed for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to Printed Wiring, Inc. (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, 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; (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, 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 the revenue bonds to the Company for the Project, and the City will thereafter lease 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. 149, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for Hamblen Gage Corporation in an approximate amount of \$1,500,000. Councillor Schneider reported that the Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. He explained that the company is going to be displaced from their current location at 10 South White River Parkway, West drive due to the construction of White River Park. Hamblen Gage Corporation is involved in the manufacturing of special high technology machines and equipment for automated production lines. Estimated costs for the \$1,500,000 project are as follows: \$115,000 land, \$1,200,000 building, \$100,000 equipment and \$85,000 other contingencies. There are 10 additional positions estimated after the first year and 25 positions at the end of three years. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 149, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*

NO NAYS

3 NOT VOTING: *Clark, Jones, Strader*

Proposal No. 149, 1984, was retitled SPECIAL RESOLUTION NO. 26, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 1984

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 sub-leased to users of the facilities; and

WHEREAS, Hamblen Gage Corporation (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 40,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located at 4901 West Raymond Street on approximately 8 acres of land, Indianapolis, Indiana, which will be used by the Company for the manufacture of special, high-technology machinery, gages, tools, dies and equipment for automated production lines (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 10 at the end of one year and 25 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 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 adverse competitive effect or impact 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 and the abatement of pollution 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 \$1,500,000 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 Hamblen Gage Corporation (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; (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 the revenue bonds to the Company for the Project, and the City will thereafter lease 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. 150, 1984. Councillor Schneider reported that this inducement resolution authorizes proceedings with respect to proposed economic development bonds for Joint and Clutch Service, Inc. in an approximate amount of \$700,000. The Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. This company distributes truck and auto parts and remanufactures drive shafts, clutches and power take-offs. Estimated costs for the \$1,052,900 project are as follows: \$90,000 land, \$759,000 building, \$175,000 equipment and \$28,000 other contingencies. Additional employment total three positions at the end of the first year and eight at the end of the third year. The company will build a 28,900 square foot building at 2075 Kentucky Avenue. Councillor Schneider moved, seconded by Councillor Rader, for adoption. Proposal No. 150, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Jones*

Proposal No. 150, 1984, was retitled SPECIAL RESOLUTION NO. 27, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 1984

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 sub-leased to users of the facilities; and

WHEREAS, Joint and Clutch Service, Inc. (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 the economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of an approximately 28,900 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located at 2015 Kentucky Avenue, Indianapolis, Indiana on approximately 3.071 acres of land which will be used by the Company for the wholesale distribution of truck and automobile parts, light remanufacturing of drive shafts, clutches and power takeoffs, plus office and warehouse space (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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have adverse competitive effect or impact 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 \$700,000 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 Joint and Clutch Service, Inc. (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; (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 the revenue bonds to the Company for the Project, and the City will thereafter lease 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. 151, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for Cloverleaf Properties in an approximate amount of \$1,350,000. Councillor Schneider reported that the Economic Development Committee recommended passage by a vote of 8-0 on March 19, 1984. Estimated costs for the \$1,450,000 project are as follows: \$70,000 land, \$1,192,000 building, and \$188,000 other contingencies. Currently located at 5640 Professional Circle, Cloverleaf Properties has plans to construct a 36,100 square foot building on Rockville Road just west of Country Club Road to be used as central offices and warehouse space. Additional employment positions after the first year total five and fifteen positions after three years. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 151, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Durry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Jones*

Proposal No. 151, 1984, was retitled SPECIAL RESOLUTION NO. 28, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1984

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 sub-leased to users of the facilities; and

WHEREAS, Cloverleaf Properties (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 36,100 square foot building including basement and the machinery and equipment to be installed therein plus certain site improvements to be located at Rockville Road (U.S. Rt.36) just west of Country Club Road on approximately 2.81 acres of land, Indianapolis, Indiana, which will be used by the Company for the its central office and warehouse in its real estate development and construction business and for lease to several related Companies of the Company, namely Cloverleaf Properties, Inc., Dominion Realty, Inc., BDA Corporation, Classic Insurance Company, First American Mortgage Corporation, and Foundation Investments, Inc. (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, 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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have adverse competitive effect or impact 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 and the abatement of pollution 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 \$1,350,000 under the Act to be privately placed and the use by any excluded uses as defined in I.C. 36-7-12-2 as amended to constitute less than twenty-five percent (25%) of the usable space in the Project for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Cloverleaf Properties (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; (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 the revenue bonds to the Company for the Project, and the City will thereafter lease 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. 152, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for Penthouse Partners, Ltd. in an approximate amount of \$4,000,000. The Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. This project, for the construction and rental of twelve hotel suites on the 18th floor of the Granada Royale Hometel, is located at the northwest corner of Washington and Illinois Streets. Estimated costs for the \$4,000,000 project are as follows: \$300,000 land, \$3,000,000 building, \$600,000 equipment and \$100,000 other contingencies. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 152, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader,*
west

NO NAYS

2 NOT VOTING: *Clark, Jones*

Proposal No. 152, 1984, was retitled SPECIAL RESOLUTION NO. 29, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 1984

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 sub-leased to users of the facilities; and

WHEREAS, Penthouse Partners, Ltd., an Indiana limited 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 approximately 12 luxury hotel suites to be located atop the Granda Royale Homotel at the northwest corner of West Washington Street and Illinois Street, Indianapolis, Indiana at the 18th level and the machinery and equipment to be installed therein plus certain site improvements which will be held out to the general public for overnight and short term rental not constituting residential rental (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 5 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 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 adverse competitive effect or impact 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 and the abatement of pollution 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 not to exceed \$4,000,000 under the Act to be privately placed subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Penthouse Partners, Ltd., an Indiana limited 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; (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 the revenue bonds to the Company for the Project, and the City will thereafter lease 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. 153, 1984. This special ordinance designates the parcel of land commonly known as the northwest corner of West Washington Street and Illinois Street, Indianapolis, Indiana as an economic development target area. The Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 153, 1984, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Coughenour, Holmes, Jones*

Proposal No. 153, 1984, was retitled SPECIAL ORDINANCE NO. 14, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 14, 1984

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 on facilities of the same kind operating 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 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;

(2) has been declared and confirmed as a redevelopment area before March 31, 1983; under:

(A) I.C. 36-7-14-15, I.C. 36-7-14-16, and I.C. 36-7-14-17; or

(B) I.C. 36-7-15.1-8, I.C. 36-7-15.1-9, and I.C. 36-7-15.1-10;

(3) 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. 36-7-11.1, or I.C. 14-3-3.2; or

(4) encompasses buildings, structures, sites, or other facilities that are:

- (A) listed on the national register of historic places established pursuant to the National Historic Preservation Act of 1966;
- (B) listed on the register of Indiana historic sites and historic structures established under I.C. 14-3-3.3; or
- (C) determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer.”; and

WHEREAS, at its meeting on March 14, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as the northwest corner of West Washington Street and Illinois Street, Indianapolis, Indiana, as an Economic Development Target Area which parcels are more specifically described as:

Lots Numbered Four (4), Five (5), and Six (6) in Square Fifty-Four (54) of the Donation Lands of the City of Indianapolis, Marion County, State of Indiana. Also, beginning at the Southwest corner of Lot Six (6) in Square Fifty-Four (54) of the Donation Lands of the City of Indianapolis; thence West on and along the North line of Washington Street a distance of fifteen (15) feet to the Southeast corner of Lot Seven (7) in Square Fifty-Four (54); thence North upon and along the East lines of Lots Seven (7), Eight (8), and Nine (9) in Square Fifty-Four (54) a distance of one hundred and ninety-five (195) feet to a point in the South line of West Court Street, said point also being the Northeast corner of Lot Nine (9) of said Square Fifty-Four (54); thence East in and along the South line of West Court Street a distance of fifteen (15) feet to a point, said point being the Northwest corner of Lot Six (6) in Square Fifty-Four (54); thence South upon and along the West line of Lot Six (6) in Square Fifty-Four (54) a distance of one hundred and ninety-five (195) feet to the place of beginning, being Muskingum Street as vacated by proceedings pursuant to Declaratory Resolution No. 79-VAC-16 adopted May 9, 1979 as set forth in a transcript thereof recorded August 16, 1979 as Instrument No. 79-60886 in the Office of the Recorder of Marion County, Indiana.

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 parcel commonly known as the northwest corner of West Washington Street and Illinois Street, Indianapolis, Indiana, which are more specifically described as:

Lots Numbered Four (4), Five (5), and Six (6) in Square Fifty-Four (54) of the Donation Lands of the City of Indianapolis, Marion County, State of Indiana. Also, beginning at the Southwest corner of Lot Six (6) in Square Fifty-Four (54) of the Donation Lands of the City of Indianapolis; thence West on and along the North line of Washington Street a distance of fifteen (15) feet to the Southeast corner of Lot Seven (7) in Square Fifty-Four (54); thence North upon and along the East lines of Lots Seven (7), Eight (8), and Nine (9) in Square Fifty-Four (54) a distance of one hundred and ninety-five (195) feet to a point in the South line of West Court Street, said point also being the Northeast corner of Lot Nine (9) of said Square Fifty-Four (54); thence East in and along the South line of West Court Street a distance of fifteen (15) feet to a point, said point being the Northwest corner of Lot Six (6) in Square Fifty-Four (54); thence South upon and along the West line of Lot Six (6) in Square Fifty-Four (54) a distance of one hundred and ninety-five (195) feet to the place of beginning, being Muskingum Street as vacated by proceedings pursuant to Declaratory Resolution No. 79-VAC-16 adopted May 9, 1979 as set forth in a transcript thereof recorded August 16, 1979 as Instrument No. 79-60886 in the Office of the Recorder of Marion County, Indiana.

meets the requirement imposed by I.C. 36-7-12-2, as amended of having “. . . (2) has been declared and confirmed as a redevelopment area before March 31, 1983; under:

(A) I.C. 36-7-14-15, I.C. 36-7-14-16, and I.C. 36-7-14-17; or

(B) I.C. 36-7-15.1-8, I.C. 36-7-15.1-9, and I.C. 36-7-15.1-10; . . .”

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. 154, 1984. This final bond ordinance authorizes the issuance of \$3,000,000 Economic Development Revenue Bonds for Tube Processing Corporation. The Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. Tube Processing Corporation manufactures rigid tube assemblies and sheet metal weldments for aircraft and diesel engines. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 154, 1984, and reads as follows:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Jones*

Proposal No. 154, 1984, was retitled SPECIAL ORDINANCE NO. 15, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 15, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its “Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation Project)” in the aggregate principal amount of Three Million Dollars (\$3,000,000) and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on March 14, 1984, 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 Tube Processing Corporation (the “Company”) consisting of the acquisition and installation of equipment which will be used by the Company in the manufacturing of rigid tube assemblies and sheet metal weldments for the aircraft and diesel engine market, plus certain site improvements located at the Company’s existing plant at 1146 Nelson Street, Indianapolis, Indiana (the “Project”) which will be initially owned and operated by Tube Processing Corporation

complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Trust Indenture, Bond Purchase Agreement, Loan Agreement, Security Agreement, Series 1984 Notes and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation Project) 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 and installation of equipment which will be used by the Company in the manufacturing of rigid tube assemblies and sheet metal weldments for the aircraft and diesel engine market at the Company's existing plant located at 1146 Nelson Street, Indianapolis, Indiana previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Tube Processing Corporation for the purposes of financing the economic development facilities being acquired and installed or to be acquired and installed in Indianapolis, Indiana, and the repayment of said loan by Tube Processing Corporation will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Trust Indenture, Bond Purchase Agreement, Loan Agreement, Security Agreement, Series 1984 Notes and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation 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 Trust Indenture, Bond Purchase Agreement, Loan Agreement, Security Agreement, Series 1984 Notes and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation Project) are on file in the office of the Clerk of the council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation Project) in the aggregate principal amount of Three Million Dollars (\$3,000,000) for the purpose of procuring funds to loan to Tube Processing Corporation 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 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Tube Processing Corporation on its Series 1984 Notes in the aggregate principal amount of Three Million Dollars (\$3,000,000), which will be executed and delivered by Tube Processing Corporation to evidence and secure said loan, and as otherwise provided in the above described Trust Indenture and Security Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest equal to the Adjusted Rate (as defined in the Loan Agreement) however in the event of a Determination of Taxability (as defined in the Loan Agreement) the per annum rate of interest shall be at the Taxable Rate (as defined in the Loan Agreement) and upon the occurrence of an Event of Default (as defined in the Loan Agreement) the per annum rate of interest shall be at the Default Rate (as defined in the Loan Agreement) however the interest charged shall never exceed thirty percent (30%) per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Bond Purchase Agreement, Trust Indenture, Loan Agreement, the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation Project), and the Endorsements to the Series 1984 Notes 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 Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Trust Indenture. The Mayor and City Clerk may be their execution of the Bond Purchase Agreement, Trust Indenture, Loan Agreement, the Endorsements to the Series 1984 Notes, and imprinting of their facsimile signatures on the Bonds, or their manual execution thereof approve changes therein and also in the Security Agreement and Series 1984 Notes without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series 1984 (Tube Processing Corporation Project) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 156, 1984. This final bond ordinance authorizes the issuance of \$2,300,000 Economic Development Revenue Bonds for C & C Investments, Ltd. and repealing Special Ordinance No. 46, 1984. Councillor Schneider reported that the Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. He noted that this ordinance reflects changes in the bond market conditions and establishes American Fletcher National Bank as Trustee. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 156, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Jones*

Proposal No. 156, 1984, was retitled SPECIAL ORDINANCE NO. 16, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 16, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (C & C Investments, Ltd. Project)" in the aggregate principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) super-

seding and repealing City-County Special Ordinance No. 46, 1983 which approved certain financing documents and authorized the issuance of certain bonds to finance the Project because the financing terms changed before the bonds could be issued and consequently new documents and financing items need to be approved and approving and authorizing other actions in respect thereto.

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

WHEREAS, it is necessary to supersede and repeal City-County Special Ordinance No. 46, 1983 which approved certain financing documents and authorized the issuance of certain bonds to finance the Project because the financing terms changed before the bonds could be issued and consequently new documents and financing items need to be approved; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on March 14, 1984, 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 C & C Investments, Ltd. (the "Company") consisting of the acquisition, construction, installation and equipping of an approximately 30,000 square foot, 80 bed nursing home and the machinery and equipment to be installed therein plus certain site improvements to be located at 4851 Tincher Road, Indianapolis, Indiana, on approximately 5.0 acres of land (the "Project") which will be initially owned by C & C Investments, Ltd., an Indiana Limited Partnership and operated by Decatur Retirement Park, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Indenture of Trust, Bond Purchase Agreement, Guaranty, Collateral Assignment of Rents, Lease, and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds - Series 1984 (C & C Investments, Ltd. Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement consisting of the acquisition, construction, installation and equipping of an approximately 30,000 square foot, 80 bed nursing home and the machinery and equipment to be installed therein plus certain site improvements to be located at 4851 Tincher Road, Indianapolis, Indiana, on approximately 5.0 acres of land previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council the issuance and sale of revenue bonds, the loan of the net proceeds thereof to C & C Investments Ltd., an Indiana Limited Partnership 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 C & C Investments, Ltd., an Indiana Limited Partnership 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 Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Collateral Assignment of Rents, Lease, Indenture of Trust, Bond Purchase Agreement, Guaranty, and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds - Series 1984 (C & C Investments, Ltd. 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 Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Indenture of Trust, Bond Purchase Agreement, Guaranty, Collateral Assignment of Rents, Lease, and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds - Series 1984 (C & C Investments, Ltd. Project) are on file in the office of the Clerk of the council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds - Series 1984 (C & C Investment, Ltd. Project) in the aggregate principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) for the purpose of procuring funds to loan to C & C Investments, Ltd., an Indiana Limited Partnership in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by C & C Investments, Ltd., an Indiana Limited Partnership on its First Mortgage Note in the principal amount of Two Million Three Hundred Thousand Dollars (\$2,300,000), which will be executed and delivered by C & C Investment, Ltd., an Indiana Limited Partnership to evidence and secure said loan, and as otherwise provided in the above described Indenture of Trust, Collateral Assignment of Rents, and Guaranty. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed fourteen percent (14%) (i) or such higher rate provided for in the Bonds after maturity or in the event of a default or Determination of Taxability however, in no event shall the interest rate charged exceed twenty-eight percent (28%) per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Indenture of Trust, Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, the City of Indianapolis, Indiana Economic Development Revenue Bonds - Series 1984 (C & C Investments, Ltd. Project), and the Endorsement to the First Mortgage Note 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 Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Indenture of Trust. The Mayor and City Clerk may be their execution of the Indenture of Trust, Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, the Endorsement to the First Mortgage Note, and imprinting of their facsimile signatures on the Bonds, or their manual execution thereof approve changes therein and also in the First Mortgage Note and Collateral Assignment of Rents, Lease and Guaranty 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. City-County Special Ordinance No. 46, 1983, be and is hereby repealed and superceded by this ordinance, and shall be void and of no effect upon the adoption of this ordinance.

SECTION 7. The provisions of this ordinance and the Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds - Series 1984 (C & C Investment, Ltd. 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 Bonds or the interest thereon remains unpaid.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 157, 1984. This final bond ordinance authorizes the issuance of \$2,500,000 Economic Development Revenue Bonds for American Healthcorp of Indiana, Inc. Councillor Schneider reported that the Economic Development Committee recommended passage by a vote of 8-0 on March 14, 1984. He stated that this project is for the purchase, renovation and expansion of the Pleasant Run Children's Home which is located at 1404 South State Street. Koala Centers will operate the facility as an inpatient, outpatient, aftercare and family services treatment center for adolescent alcoholism and drug problems. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 157, 1984, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Strader, West*
NO NAYS

4 NOT VOTING: *Clark, Dowden, Jones, Stewart*

Proposal No. 157, 1984, was retitled SPECIAL ORDINANCE NO. 17, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 17, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project)" Series 1984 in the aggregate principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for American Healthcorp, Inc. d/b/a Koala Centers and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on March 14, 1984, 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 American Healthcorp of Indiana, Inc. (the "Company") consisting of the acquisition, renovation, construction, expansion, installation and equipping of the existing Pleasant Run Childrens Home for use as an alcoholism and drug treatment facility, including construction of an approximately 29,000 square foot addition, and the machinery and equipment to be installed therein plus certain site improvements to be located at 1404 South State Street, Indianapolis, Indiana, on approximately 9 acres of land (the "Project") which will be initially owned and operated by American Healthcorp of Indiana, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing and leasing units in said facilities to persons 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 Trust Indenture, Guaranty Agreement, Loan Agreement, Promissory Note, Mortgage and Security Agreement and the form of the City of Indianapolis,

Indiana Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project) Series 1984 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, renovation, construction, expansion, installation and equipping of the existing Pleasant Run Childrens Home for use as an alcoholism and drug treatment facility, including construction of an approximately 29,000 square foot addition, and the machinery and equipment to be installed therein plus certain site improvements to be located at 1404 South State Street, Indianapolis, Indiana, on approximately acres of land previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council the issuance and sale of revenue bond, the loan of the net proceeds thereof to American Healthcorp of Indiana, Inc. for the purposes of financing the economic development facilities being acquired, renovated, constructed, expanded, installed and equipped or to be acquired, renovated, constructed, expanded, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by American Healthcorp of Indiana, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Trust Indenture, Guaranty Agreement, Loan Agreement, Promissory Note, Mortgage and Security Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Trust Indenture, Guaranty Agreement, Loan Agreement, Promissory Note, Mortgage and Security Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project) Series 1984 in the aggregate principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) for the purpose of procuring funds to loan to American Healthcorp of Indiana, Inc. 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 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by American Healthcorp of Indiana, Inc. on its Promissory Note in the principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000), which will be executed and delivered by American Healthcorp of Indiana, Inc. to evidence and secure said loan, and as otherwise provided in the above described Trust Indenture, Mortgage and Security Agreement, and Guaranty Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest equal to 67% of the Prime Rate (as defined in the Bonds) or at such higher rate provided for in the Bonds resulting from overdue installments, a default or a Determination of Taxability all as defined in the Bonds, however, in no event shall the per annum rate of interest charged exceed thirty percent.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, the City of Indianapolis, Indiana Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project) Series 1984 and the Endorsement to the Promissory Note ap-

proved 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 Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Trust Indenture. The Mayor and City Clerk may be their execution of the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, the Endorsement to the Promissory Note, and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein and also in the Promissory Note and the 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 Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds (American Healthcorp of Indiana, Inc. Project) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

Clerk's Note: Councillor Schneider moved, seconded by Councillor Gilmer, to advance Proposal No. 105, 1984, on the agenda for consideration. Consent was given.]

PROPOSAL NO. 105, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for United Brake Systems, Inc. in an approximate amount of \$800,000. Councillor Schneider reported that the Economic Development Committee recommended to amend and pass this proposal by a vote of 8-0 on March 14, 1984. The project is to construct and equip a 30,000 square foot building at the southeast corner of Belmont and Oliver to be used to manufacture non-asbestos lining with it currently purchases from out-of-state sources. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 105, 1984, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Corwe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

2 NOT VOTING: Clark, Jones

Proposal No. 105, 1984, was retitled **SPECIAL RESOLUTION NO. 30, 1984**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 1984

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 sub-leased to users of the facilities; and

WHEREAS, United Brake Systems, Inc. (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 30,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located at the southeast corner of Belmont and Oliver, Indianapolis, Indiana, which will be used by the Company for the manufacturing of non-asbestos brake linings (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 25 at the end of one year and 50 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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have adverse competitive effect or impact 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 \$800,000 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 United Brake Systems, Inc. (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; (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 the revenue bonds to the Company for the Project, and the City will thereafter lease 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.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 77, 1984. This proposal appropriates \$167,286 for the Municipal Court from the Adult Probation Fees Fund and establishes a personnel schedule. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommended to strike Proposal No. 77, 1984, by a vote of 7-0 on February 29, 1984. Councillor Dowden moved, seconded by Councillor Holmes, to Strike Proposal No. 77, 1984. Consent was given.

PROPOSAL NO. 122, 1984. This proposal appropriates \$208,962 for the Presiding Judge of the Municipal Court for the Municipal Court Probation function. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommended to amend and pass this proposal by a vote of 4-1 on February 28, 1984. The President called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 122, 1984, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: *Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*
NO NAYS

3 NOT VOTING: *Borst, Clark, Jones*

Proposal No. 122, 1984, was retitled FISCAL ORDINANCE NO. 18, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Two Hundred Eight Thousand Nine Hundred Sixty-two Dollars (\$208,962) in the Adult Probation Fees Fund for purposes of the Presiding Judge of the Municipal Court and reducing the unappropriated and unencumbered balance in the Adult Probation Fees Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (b)(24) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing the appropriation of the Adult Probation Fees Fund for the Municipal Court Probation function.

SECTION 2. The sum of Two Hundred Eight Thousand Nine Hundred Sixty-two Dollars (\$208,962) 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:

MUNICIPAL COURT	ADULT PROBATION FEES FUND
1. Personal Services	\$208,962
TOTAL INCREASE	<u>\$208,962</u>

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

MUNICIPAL COURT	ADULT PROBATION FEES FUND
Unappropriated and Unencumbered	
Adult Probation Fees Fund	\$208,962
TOTAL REDUCTION	<u>\$208,962</u>

SECTION 5. The personnel schedule for the Presiding Judge of the Municipal Court Adult Probation Fees Fund is hereby established as follows:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Manager	1	28,600	27,014
Professional	8	24,850	140,998
Specialists	9	24,850	117,936
Vacancy Factor	—		<u>(76,986)</u>
TOTAL	18		208,962

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

PROPOSAL NO. 124, 1984. This proposal appropriates \$633,418 of Community Development Funds for the Flood Control Division to complete various projects. Councillor West reported that the Public Works Committee recommended passage by a vote of 5-0 on March 14, 1984. He pointed out that these funds need to be re-appropriated for usage in 1984. The President called for public testimony at 8:02 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Howard, for adoption. Proposal No. 124, 1984, was adopted on the following roll call vote; viz:

25 YEAS: *Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Borst, Clark, Dowden, Jones*

Proposal No. 124, 1984, was retitled FISCAL ORDINANCE NO. 19, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Six Hundred Thirty-three Thousand Four Hundred Eighteen Dollars (\$633,418) in the Flood Control General Fund for purposes of the Department of Public Works, Flood Control Division and reducing the unappropriated and unencumbered balance in the Flood Control General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing the appropriation of prior year Community Development Funds to complete various projects.

SECTION 2. The sum of Six Hundred Thirty-three Thousand Four Hundred Eighteen Dollars (\$633,418) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS FLOOD CONTROL DIVISION	FLOOD CONTROL GENERAL FUND
3. Other Services & Charges	\$513,418
4. Capital Outlay	<u>120,000</u>
TOTAL INCREASE	<u>\$633,418</u>

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

DEPARTMENT OF PUBLIC WORKS FLOOD CONTROL DIVISION	FLOOD CONTROL GENERAL FUND
Unappropriated and Unencumbered Flood Control General Fund	\$633,418
TOTAL REDUCTION	<u>\$633,418</u>

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

SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 76, 1984. This proposal transfers \$12,000 for the Superior Court, Juvenile Division for contractual attorneys to serve as public defenders. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 6-0 on February 29, 1984. Councillor Dowden moved for adoption, seconded by Councillor Holmes, for adoption. Proposal No. 76, 1984, was adopted on the following roll call vote; viz:

26 YEAS: Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

3 NOT VOTING: Borst, Clark, Jones

Proposal No. 76, 1984, was retitled FISCAL ORDINANCE NO. 20, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Twelve Thousand Dollars (\$12,000) in the County General Fund for purposes of the Marion County Superior Court - Juvenile Division and reducing certain other appropriations for that division.

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 (b)(4) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for contractual attorneys to serve as public defenders.

SECTION 2. The sum of Twelve Thousand Dollars (\$12,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

SUPERIOR COURT -	
JUVENILE DIVISION	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$12,000</u>
TOTAL INCREASE	\$12,000

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

SUPERIOR COURT -	
JUVENILE DIVISION	COUNTY GENERAL FUND
1. Personal Services	<u>\$12,000</u>
TOTAL REDUCTION	\$12,000

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

(4) SUPERIOR COURT - JUVENILE DIVISION - Dept. 65

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judge	1	16,493	16,493
Administrators	2	35,287	64,162
Asst. Administrators	3	22,575	63,920
Managers	8	24,657	168,752
Asst. Managers	3	15,175	42,103
Secretaries	4	13,206	45,086
Clerk-Typists	20	12,181	173,096
Full-time Referees	2	32,249	64,498
Part-time Referees	2	16,179	32,358

Court Reporters	6	20,874	122,228
Balliffs	8	15,408	105,628
Probation	61	22,600	867,365
Professional Staff	4	28,102	100,369
Maintenance Staff	8	12,509	65,676
Jury Per Diem			8,160
Temporary Help			12,852
Vacancy Factor	_____		(1151,414) (163,414)
TOTAL	132		1,801,832 1,789,332

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

PROPOSAL NO. 100, 1984. This proposal amends Chapter 8½ of the Code to provide certain procedures for the review and approval of cable television rate increases. Councillor Coughenour reported that the Administration Committee recommended to amend and pass the proposal by a vote of 5-0 on March 15, 1984. Councillor Coughenour moved, seconded by Councillor Holmes, for adoption. Proposal No. 100, 1984, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*
 NO NAYS

3 NOT VOTING: *Clark, Durnil, Jones*

Proposal No. 100, 1984, As Amended, was retitled GENERAL ORDINANCE NO. 15, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 1984

A GENERAL ORDINANCE amending Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", to provide certain procedures for the review and approval of cable television rate increases.

WHEREAS, Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", regulates the provision of cable television service within the City of Indianapolis; and

WHEREAS, the council now finds that the proper regulation of cable television requires that certain procedures be spelled out for the review and approval of cable television rate increase; now, therefore:

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

SECTION 1. Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by adding a subsection (c) to Section 8½-61 to read as follows:

(c) In the event the council determines that it will review and determine the rates and charges to subscribers for signals distributed by the operator, the operator may make changes to the rates and charges in accordance with the following procedures:

- (1) The operator shall follow the procedures specified for changes in the rates and charges set forth in the operator's franchise contract.

- (2) In addition to submitting any amended schedule of rates and charges to the council for approval as required by its franchise contract, the operator shall also submit such schedule to the board for its recommendation to the council. Along with such amended schedule, the operator shall submit to the board and council evidence showing rates charged by cable television systems providing comparable services in comparable localities and the following financial reports which shall reflect the operations of the system:
- (i) Balance Sheet
 - (ii) Income Statement
 - (iii) Cash Flow Statement
 - (iv) Statement of Sources of Application of Funds
 - (v) Detailed Supporting Schedules of Expenses, Income, Assets and other items as may be required.
- (3) The criteria for the board's recommendation and the council's decision shall be the establishment of rates and charges which are fair, reasonable and nondiscriminatory. Fair and reasonable shall mean what is fair and reasonable to both the operator and the subscribers and shall be generally defined as the minimum rates and charges necessary to meet all applicable costs of service, including fair return on all invested capital, all assuming efficient and economical management of the system.
- (4) The operator's accounting records applicable to the system shall be available for inspection by the city at all reasonable times. The city shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the operation of this system. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the city with the information needed to make accurate determinations as to the financial condition of the system. All financial statements shall be certified as accurate by an officer of the operator.
- (5) Any disagreement between the city and the operator concerning interpretations and calculations of the financial and statistical information provided by the operator may be submitted to a court of competent jurisdiction.
- (6) The city reserves the right to review the purchase price of any transfer or assignment of the system, and any assignee to the franchise expressly agrees that any negotiated sale value which the council deems unreasonable will not be considered in the rate base for any subsequent request for service increases.

SECTION 2. (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 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 remaining provision 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.

PROPOSAL NO. 120, 1984. This proposal amends Chapter 7 of the Code concerning boats, waterways and Eagle Creek Reservoir. Councillor Durnil reported that the Parks and Recreation Committee recommended to amend and pass Proposal No. 120, 1984, by a vote of 7-0 on March 8, 1984. Councillor Durnil moved, seconded by Councillor Rhodes, for adoption. Proposal No. 120, 1984, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Jones*

Proposal No. 120, 1984, As Amended, was retitled GENERAL ORDINANCE NO. 16, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by amending Chapter 7, dealing with boats, docks and waterways.

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

SECTION 1. Chapter 7 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by repealing the current Chapter 7 and replacing it as follows:

Sec. 7-1. Definitions.

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

Boat shall mean any and every instrumentality or device in or by means of which any person or property may be transported upon any waterway.

Director shall mean the director of the department of parks and recreation.

Lake Indy shall mean that portion of White River along the course between 16th Street and 38th Street.

Motor shall mean any motor or engine using as power either electricity, steam, gas, gasoline, oil, alcohol or energy of any other sort.

Motorboat shall mean every boat propelled by a motor or engine using as power either electricity, steam, gas, gasoline, oil, alcohol or energy of any other sort or source.

Owner shall include any person who owns any boat.

Permit shall mean the certificate of permission issued by the department of parks and recreation, or by any other department having jurisdiction of the activity for which permission is sought.

Stream shall mean and include all channels and courses of flowing rivers or creeks.

Waterway shall mean and include not only all streams, but every kind or body of water, either natural or artificial.

Sec. 7-2. Obstruction of waterways prohibited; exception for bridge structures.

(a) It shall be unlawful for any person, without authority therefor from the city, to place or cause to be placed in the bed or on the banks of any stream or waterway

within the city's jurisdiction any post, pile, dam, masonry or structure, or dump therein anything whatever causing a material obstruction of such stream or waterway. If so placed by any person, he shall promptly remove such obstruction upon a written notice and order to do so by the city or by any other public authority.

(b) Notwithstanding the provisions of subsection (a), the board of public works, with the approval of the department of metropolitan development, may authorize stone abutments to be placed on the banks of any stream or waterway in such a manner as not to contract or lessen the width of the waterway, for the erection of a highway bridge or other public purpose. Any such abutments, so authorized, shall be built under the direction and subject to the approval of the director of transportation. The board of parks and recreation may also erect bridges and control waterways in parks at any place under its jurisdiction, all as authorized by this Code or by statute.

Sec. 7-3. Dredging operations.

(a) It shall be unlawful for any person to dredge or excavate for sand or gravel in any stream within the city within one thousand (1,000) feet of any bridge, viaduct or aqueduct.

(b) Any person, so authorized, who shall remove any dirt, sand or gravel from the bed of any stream within the city in quantities sufficient to cause a depression or hole of two (2) feet or more in depth in the bed of such stream shall immediately place or cause to be placed, and thereafter to be maintained, warning signs suspended above the surface at either end of the depression at points not nearer than ten (10) feet, nor farther than twenty-five (25) feet, from the edges of such depression at both the upstream and downstream ends thereof, which signs shall be securely fastened to wires or other permanent supports secured upon the banks and placed so as to hang over and be not nearer than two (2) feet nor more than four (4) feet from the surface of the water. The signs shall be not less than fifteen (15) inches in width and three (3) feet in length, with letters not less than twelve (12) inches in height and of proportionate width, reading: "Danger, deep water."

(c) No person, not so authorized by the city, shall deface, mutilate, remove or destroy any warning sign placed pursuant to subsection (b), nor shall any person cut, remove, destroy or interfere with the supports or supporting devices thereof so as to weaken or affect the hanging of the sign. If any such sign is removed by any person other than the person placing it, as required, the city shall replace such sign, but the person so obligated shall continue to maintain it.

Sec. 7-4. Pollution of waterways.

(a) It shall be unlawful for any person, directly or indirectly, to throw, cast, deposit, place, pour or dump any earth, stone, impure liquids, chemicals, waste, trash, rubbish, garbage, refuse, filth, offal, vegetable matter, straw, paper, scraps, strands of wire, iron, tin, boards or pieces of lumber, metal hoops, cans, cloth, rags, tacks, nails, glass, or any mixture or combination thereof, or the contents of any vault, privy, cess-pool, septic tank or other receptacle for fecal or refuse matter, or any other similar kind of substances, articles, matter or materials into the waters of any stream, lake, canal, reservoir or other waterway; or so to do on or within five hundred (500) feet from the banks or shores thereof, or within such distance from any park, boulevard or public place, or at any other place located, in whole or in part, within the city or within ten (10) miles therefrom, and which tends either to obstruct or render the waterway noxious, obnoxious or unsightly. However, the provisions of this subsection shall not apply to any instance in which any of such aforesaid substances of a kind used in or resulting from kitchen or toilet facilities are indirectly and lawfully deposited in or permitted to enter any kind of waterway, after having first been caused to enter a public sewer; or to any instance, not involving a public nuisance, where so done under a written permit from any public authorities empowered to issue such a permit in any such instance or for any such purpose.

(b) The approval of all necessary public officials and boards of the city having any jurisdiction thereof must be obtained and endorsed upon an application for any such permissible purpose, under subsection (a), whereupon a written permit therefor shall be issued to the applicant by the board of parks and recreation acting therein as representa-

tive of all such officials and boards. If any matter so proposed to be dumped, placed or deposited is, in the judgment of all or of any of such officials or boards, unsightly, noxious, offensive to the sense of smell or injurious to the public health or safety, or detrimental to the public welfare, or is reasonably calculated to become so, said boards and public officials shall refuse the permit, or if unable to agree thereon, the board of parks and recreation shall thereupon so act in denying it for all boards and officials.

Secs. 7-5 -- 7-19. Reserved.

ARTICLE II. BEACHES AND SWIMMING POOLS

Sec. 7-20. Bathing in unguarded areas.

(a) It shall be unlawful for any person to swim or wade in any canal, stream, pit, pond or other body of water or watercourse within the city which is unguarded by a lifeguard who is assigned to guard such area by the owner or operator of such canal, stream, pit, pond or other body of water.

(b) The provisions of subsection (a) shall not apply to pools of the department of parks and recreation or clubs or other private beaches or pools which are guarded by lifeguards, nor to private residential swimming pools maintained by the homeowners.

Sec. 7-21. Conduct generally.

It shall be unlawful for any person to fish, bathe, wash, operate boats in or enter any public waterways, or to send, drive or ride any animal into any public waterways, where not authorized for such purposes. However, the department of parks and recreation may set aside certain places and designate the rules for swimming, wading, bathing, boating and fishing by persons in any such places.

Sec. 7-22. Entrance and exit.

Whenever any bathing beach, public bath, swimming or wading pool is enclosed, no person shall enter or leave the same except at the indicated entrances and exits and shall pass through such entrance showers and shall wade through such chemically treated wading water as may be provided at such places before entering or upon leaving.

Sec. 7-23. Dangerous substances in swimming areas.

It shall be unlawful to throw, drop, place or deposit on the sands, ground or other surface adjoining bathing beaches or swimming or wading pools, or into the water or the bottom thereof, any glass bottles, broken glass, nails, tacks, wire, crockery, cans or any other sharp or cutting substances, chemicals or things dangerous to bathers or other persons.

Sec. 7-24. Conduct or play not to interfere with other bathers.

No person or group of persons shall conduct themselves in or about any municipal bathing beach or swimming or wading pool by violent racing about, churning and splashing of water, or by throwing balls or other objects or materials, or by playing games in such a manner, or by resorting to any other conduct, any of which does or tends to disturb, annoy, offend or injure other persons either on or near the beach, or in the pool or water, or to interfere with or damage any clothing or property belonging to any other person.

Secs. 7-25 -- 7-44. Reserved.

ARTICLE III. BOATS AND BOATING

Sec. 7-45. Disclaimer of city liability.

Notice is hereby given to all persons who at any time own or operate any kind of boat upon Lake Indy or at any other place within the jurisdiction of the city, that all

boats using any such waterway shall be used and operated solely at the risk of the owner, operator or the persons therein, and that neither the city nor its board of parks and recreation or any other board or city official assumes any responsibility or liability therefor. The city also hereby gives notice to all persons who may use any such waterway that the city and its various boards and officials do not represent that any portion of any waterway has sufficient depth and is otherwise safe for boating or bathing purposes, or that it is free and clear of obstructions upon or beneath the surface thereof.

Sec. 7-46. Boat launching.

(a) All boats being launched in Lake Indy or Eagle Creek Reservoir shall be launched solely from launching facilities designated and approved by the department of parks and recreation.

(b) The board of parks and recreation is authorized to establish launch fees for boats using city launch facilities at Lake Indy, Eagle Creek Reservoir or Broad Ripple Park.

(c) No boat shall be launched from any city launch facility unless it has paid the launch fee established by the board of parks and recreation.

(d) No motorboat shall be launched from a city launch facility unless the operator is sixteen (16) years of age or older.

Sec. 7-47. Unlawful operation generally.

It shall be unlawful for the owner of any boat to operate or cause, suffer or permit the boat to operate or permit such boat to be operated at any other place on Lake Indy or Eagle Creek Reservoir than those places so designated by the board of parks and recreation, or the board having jurisdiction thereover.

No boating activity shall be carried on within five hundred (500) yards of Eagle Creek dam.

Sec. 7-48. Maximum horsepower and length.

It shall be unlawful for the owner or operator of any motorboat having a motor exceeding ten (10) horsepower or of any boat exceeding twenty-six (26) feet in length or smaller than eight (8) feet in length, to operate, or cause or permit the boat to be operated at any time in and upon any portion of Lake Indy or Eagle Creek Reservoir except for boats owned, operated or under contractual agreement with the city, county or the state of Indiana.

Sec. 7-49. Towing.

It shall be unlawful for the owner or operator of any boat using any portion of Lake Indy or Eagle Creek Reservoir to tow another boat or any kind of object including water skiers at any time, except in emergencies of salvage, maintenance, or rescue work.

Sec. 7-50. Safety channels and areas.

(a) The board of parks and recreation, or any other board having jurisdiction, is authorized and empowered to establish and designate, by resolution duly adopted, certain safety areas in and along the stream of Lake Indy or in Eagle Creek Reservoir which shall be considered and known as "safety areas" and which shall be so designated and marked with appropriate signs to be erected or buoys to be anchored by the board, and placed either in the water or upon the banks of the stream, or by both such means. The board is further authorized and empowered to establish in the same manner, wherever deemed necessary, certain safety channels through which all boats shall proceed at a reduced speed, which in no event shall exceed five (5) miles per hour. Safety channels shall be established, designated and marked as are other safety areas, either by the erection of appropriate signs or by the placing buoys in the waterway outlining such channels, or by both such means.

(b) It shall be unlawful for the operator of any boat to travel at a speed greater than five (5) miles per hour in, upon and through any safety channel which shall be now

or hereafter established pursuant to subsection (a) and so designated and marked. Also, it shall be unlawful for the operator of any boat at any time, except to rescue some person from danger, to enter in and upon any area in said stream of Lake Indy or Eagle Creek Reservoir which shall be now or hereafter established, designated and marked as a "safety area", as provided in subsection (a).

Sec. 7-51. Landing areas.

The board of parks and recreation, or any other board so in control of any stream or portions thereof, is authorized and empowered, by resolution, to establish and designate and to erect signs showing the location of certain landing areas on and along the banks of such stream. The owner or operator of any boat using the waterway shall use only such landing areas as may be so established and designated for all such landings of boats. It shall be unlawful for the owner or operator of any boat to land or to embark such boat at any other place, except in an emergency so requiring, and when not in use all boats shall be securely moored at one of the permanent docks, or piers or posts, erected at some such landing area.

Sec. 7-52. Passing boats; speed and safety.

It shall be unlawful for the operator of any motorboat on Eagle Creek Reservoir or Lake Indy to do any of the following things:

- (1) To pass so close to another boat as to cause such other boat to be endangered, collided with, or to be swamped or overturned by the wake created by said motorboat;
- (2) To operate any boat in a negligent or reckless manner or at a rate of speed so as to endanger the life or property of any person at any places in or on said water, or when the boat is in a defective and dangerous condition;
- (3) To operate on any part of Lake Indy or Eagle Creek Reservoir any motorboat at a greater rate of speed than ten (10) miles per hour where or when not otherwise restricted to lower speeds, except in emergencies of maintenance, salvage or rescue, or when authorized by the department of parks and recreation for special events or programs.

Secs. 7-53 - 7-72. Reserved.

ARTICLE IV. EAGLE CREEK RESERVOIR

Sec. 7-73. Permitted use.

Until otherwise provided, Eagle Creek Reservoir shall be used solely for boating, fishing, swimming, wading, ice skating, amateur and competitive water sports such as sailing, rowing, and canoe/kayaking, and other winter sports activities, but only at such times and places as shall be determined in the discretion of the department of parks and recreation.

Sec. 7-74. Fishing.

Fishing will be permitted in the Eagle Creek Reservoir, but subject to all applicable state laws regulating fishing and subject also to any restrictions contained in this article regarding the types of fish which may be possessed in the area. Although fishing may be permitted at any place on the surface of the reservoir, except within five hundred (500) yards of the dam, the department of parks and recreation, in its discretion, may prohibit fishing from the reservoir banks in various designated places when necessary for the public health, safety and general welfare. Netting, seining, trapping and trotline fishing are specifically prohibited.

Fishing from the bridge carrying Lafayette Road over Eagle Creek Reservoir located approximately seven-tenths mile northwest of Seventy-first Street is specifically prohibited.

The possession of a largemouth bass less than fourteen (14) inches in total length anywhere in the reservoir or park area is prohibited.

Sec. 7-75. Provision of recreational boating activities.

(a) **Board Action.** Upon a request from the director, the board of parks and recreation shall hold a public hearing to determine whether it is in the best interests of the City and the public to contract with the private sector to provide any type of recreational boating activity on Eagle Creek Reservoir. At such public hearing, if the board does determine that such contracts shall be awarded, the board shall also make a determination as to how many contracts shall be awarded and how many boats providing the specified type of activity shall be allowed on the reservoir. This determination shall be based on objective standards including the amount of dock space available at the reservoir and the amount of parking space available for persons using the boats. The board may determine other criteria to be used and publish the same in its notice of public hearing.

(b) **Contract Award.** Once the board has determined that it is in the best interests of the city and the public to contract with the private sector to provide the specified type of boating activity and the number of contracts to be awarded, the director shall develop appropriate specifications which shall be approved by the board. Bids may be submitted in accordance with the specifications. The board may then award the specified number of contracts to the most responsible and responsive bidder or may reject all bids and call for new bids.

(c) A fee shall be set by the board and included in the specifications for bids.

Sec. 7-76. Promulgation of additional rules and regulations.

(a) **Notice of hearing.** Before any rule, regulation or standard is adopted by the board of parks and recreation as authorized by this chapter, it shall cause a notice to be published in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the date set for a hearing. The notice shall include a statement of the time and place of the hearing, a reference to the subject matter of the proposed rule or regulation and reference to the fact that a copy of the proposed rule or regulation is on file in the office of the department of parks and recreation and in the office of the city clerk where it may be examined; however, no rule or regulation shall be invalid because the reference to the subject matter thereof in such notice is inadequate or insufficient.

(b) **Filing of proposal.** At least five (5) copies of a proposed rule or regulation shall be on file in the office of the department of parks and recreation and in the office of the city clerk from the date of publication of the notice required by subsection (a) continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed rule or regulation. The city clerk shall furnish to each member of the city-county council a copy of each proposed rule or regulation filed in the office of the city clerk.

(c) **Hearing.** On the date set for a hearing on a proposed rule or regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed rule or regulation through the presentation of facts or arguments or the submission of written data or facts. All relevant matters presented shall be given full consideration by the board of parks and recreation. All hearings conducted by the board of parks and recreation shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized representative or attorney.

(d) **Publication of adopted rules and regulations and review by the city-county council.** At the conclusion of a public hearing held pursuant to this section, the board of parks and recreation may adopt such rules and regulations or may provide for the continuation of the hearing as the board may deem appropriate, which further hearing may be held without the requirement of publication of notice. There shall be published a notice once each week for two (2) consecutive weeks after each board meeting at which rules or regulations were adopted that the board of parks and recreation has adopted certain rules and regulations, giving the number of the same and the general title thereof and stating that copies thereof are available for examination in the office of the department of parks and recreation and in the office of the city clerk. If within thirty (30) days after the adoption of rules and regulations by the board of parks and recreation, the city-county council shall by resolution or ordinance disapprove or reject such rules and regulations, the action of the board of parks and recreation in adopting such rules and regulations shall be of no effect and the rules and regulations shall remain as they were in

effect prior to disapproval or rejection by the city-county council. After complying with the requirements for publication, and if such rules and regulations have not been disapproved or rejected by the city-county council, such rules and regulations as are adopted by the board shall become effective.

(e) Alteration of existing rules or regulations. In case the board of parks and recreation desires to repeal, rescind or amend any rule or regulation, the same procedures shall be followed as are provided in this section for the promulgation of rules or regulations.

(f) Emergency rule. In the event of an emergency, the director of the department of parks and recreation is empowered to issue an order designated by him as an emergency rule. For the purpose of this section, "emergency" means a sudden condition calling for immediate action. Any such order is of no force and effect after ninety (90) days from the date of its issuance, unless it is later promulgated as a rule under this section.

(g) Enforcement of rules and regulations promulgated under this section. The board of parks and recreation, the director of parks and recreation, police of the city and county, and employees of the department of parks and recreation holding special police powers are authorized and empowered to enforce any and all rules and regulations promulgated under this section. Any person convicted for violating any rule or regulation promulgated under this section shall be subject to the general penalty provision contained in Sec. 1-8 of this Code.

SECTION 2. (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 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 remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 121, 1984. This proposal authorizes changes in the personnel schedule of the Presiding Judge of the Municipal Court. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 5-0 on February 29, 1984. He explained that this proposal reduces the vacancy factor and approves a five percent salary increase. Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 121, 1984, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, West*
NO NAYS

5 NOT VOTING: *Clark, Durnil, Jones, Schneider, Strader*

Proposal No. 121, 1984, was retitled FISCAL ORDINANCE NO. 21, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) authorizing changes in the personnel compensation schedule (Section 2.03) of the Presiding Judge of the Municipal Court.

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

SECTION 1. Section 2.03 (b)(24) of City-County Fiscal Ordinance No. 72, 1983, be amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(b)(24) PRESIDING JUDGE OF THE MUNICIPAL COURT

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judges	15	16,484	232,908
Court Reporters	16	17,914	276,666
Bailiffs	45	16,874	163,121 636,532
Managers	14 3	28,600	110,148 83,737
Court Specialists	46 37	14,976	571,168 496,794
Professional	88 76	24,850	181,288 761,033
Bail Commissioners	16	13,780	98,280
Temporary			14,073
Vacancy Factor			(261,871) (124,279)
TOTAL	225 208		2,475,744

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

PROPOSAL NO. 123, 1984. This proposal appoints Bill F. Smith to the Juvenile Detention Center Advisory Board. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommended passage of Mr. Smith by a vote of 6-0 on February 29, 1984. Proposal No. 123, 1984, was adopted by unanimous voice vote, retitled COUNCIL RESOLUTION NO. 23, 1984, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 1984

A COUNCIL RESOLUTION appointing Bill F. Smith to the Juvenile Detention Center Advisory Board.

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

SECTION 1. As a member of the Juvenile Detention Center Advisory Board the Council appoints:

BILL F. SMITH

SECTION 2. The appointee shall serve for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, and at the pleasure of the Council until a successor is duly appointed.

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

PROPOSAL NO. 125, 1984. This proposal appoints Walter T. Scott to the Board of Transportation. Councillor Gilmer reported that the Transportation Committee recommended passage of Mr. Scott by a vote of 5-0 on March 7, 1984. Councillor Gilmer moved, seconded by Councillor Miller, for adoption. Proposal No. 125, 1984, was adopted by unanimous voice vote, retitled COUNCIL RESOLUTION NO. 16, 1984, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 1984

A COUNCIL RESOLUTION appointing Walter T. Scott to the Board of Transportation.

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

SECTION 1. As a member of the Board of Transportation the Council appoints:

WALTER T. SCOTT

SECTION 2. The appointee shall serve for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, and at the pleasure of the Council until a successor is duly appointed.

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

SPECIAL SERVICE DISTRICT COUNCIL

There being no business pending before any of the special service district councils, none of the councils convened separately.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:13 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Special Service District Councils on the 19th day of March, 1984.

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



President



Clerk of the City County Council

ATTEST:

(SEAL)