

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

REGULAR MEETINGS - MONDAY, JULY 9, 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 regular concurrent sessions in the Council Chamber of the City-County Building at 5:06 p.m., on Monday, July 9, 1984, with Councillor SerVaas presiding.

The meeting was opened with prayer by Reverend Nelson Roetter from the Traders Point Christian Church. 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:

[Clerk's Note: Councillor Hawkins arrived at 5:39 p.m.]

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

All twenty-eight members being present, he announced a quorum was present.

OFFICIAL COMMUNICATION

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, July 9, 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

June 20, 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 June 22, 1984, and June 29, 1984, a copy of NOTICE TO TAXPAYERS of General Ordinance No. 35, 1984.

Respectfully,

s/Beverly S. Rippy
City Clerk

June 15, 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. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 46, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Twenty-five Thousand Three Hundred Sixty-three Dollars (\$25,363) in the County General Fund for purposes of the Marion County Sheriff and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 47, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Ninety-six Thousand Seven Hundred fifty Dollars (\$96,750) in the Consolidated County Fund for purposes of the Department of Administration, Records Division and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 48, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional One Million One Hundred Thousand Dollars (\$1,100,000) in the Manpower Federal Programs Fund for purposes of the Department of Administration, Employment and Training Division and reducing the unappropriated and unencumbered balance in the Manpower Federal Programs Fund.

FISCAL ORDINANCE NO. 49, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Three

Thousand Nine Hundred Dollars (\$3,900) in the County General Fund for purposes of the Domestic Relations Counseling Bureau and reducing certain other appropriations for the Marion County Auditor.

FISCAL ORDINANCE NO. 51, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Sixty-two Thousand Seven Hundred Eighty Dollars (\$62,780) in the State and Federal Grant Fund for purposes of the Marion County Community Corrections Advisory Board and reducing certain other appropriations for that Division and the unappropriated and unencumbered balance in the State and General Grant Fund.

GENERAL ORDINANCE NO. 34, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 19-166, One-way streets and alleys designated.

GENERAL ORDINANCE NO. 35, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Chapter 16, Human Relations; Equal Opportunity.

GENERAL ORDINANCE NO. 36, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 37, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

SPECIAL ORDINANCE NO. 24, 1984, designating a 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.

SPECIAL ORDINANCE NO. 25, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984 (Bowers Envelope Company Project)" in the principal amount of Nine Hundred Eighty Thousand Dollars (\$980,000) and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 26, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984 (Cloverleaf Properties Project)" in the principal amount of One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 27, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984-A (Mitchell, Hurst, Pinkus, Jacobs & Dick Development Co. Project)" in the principal amount of One Hundred Fifty Thousand Dollars (\$150,000) and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 28, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (Pakway Container Corporation Project)" in the principal amount of Five Hundred Fifty Thousand Dollars (\$550,000) and approving and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 47, 1984, honoring Ms. Edna Morton.

SPECIAL RESOLUTION NO. 48, 1984, in memoriam of Fred Butler.

SPECIAL RESOLUTION NO. 49, 1984, supporting the development of a Tissue Bank at the Central Indiana Regional Blood Center.

SPECIAL RESOLUTION NO. 50, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 51, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 52, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 53, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 54, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 55, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 56, 1984, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

Respectfully submitted,

s/William H. Hudnut, III
MAYOR

ADOPTION OF THE AGENDA

Consent was given for the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Special Service District Councils of July 9, 1984.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Durnil introduced Ms. Barbara Weilhamer, Board Member, Marion County Cooperative Extension Service Board.

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

PROPOSAL NO. 388, 1984. Councillor Gilmer read Proposal No. 388, 1984, which honors Traders Point Christian Church in Pike Township. He presented it to Reverend Nelson Roetter of the Traders Point Christian Church. Councillor Gilmer moved, seconded by Councillor Dowden, for adoption. The President called for the vote, and Proposal No. 388, 1984, was adopted by unanimous voice vote. Proposal No. 388, 1984, was retitled SPECIAL RESOLUTION NO. 57, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 1984

A SPECIAL RESOLUTION honoring Traders Point Christian Church.

WHEREAS, Traders Point Christian Church was founded in 1834 as the Ebenezer Christian Church, being the First Christian Church in Pike Township and the third to be founded in Marion County; and

WHEREAS, starting with ten (10) charter members the body has grown to over eight hundred (800) while spawning three (3) daughter churches over the years including Westlane Christian Church, New Hope Christian Church and Village Christian Church in Zionsville; and

WHEREAS, over the past 150 years the congregation has and continues to support numerous missionaries and Bible Colleges and other Christian activities worldwide; 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 congratulates the Traders Point Christian Church on its sesquicentennial celebration to be held July 15, 1984.

SECTION 2. The City-County Council further recognizes Minister Howard Brammer, Minister of Youth and Education Bob Smith, and Minister of Pastoral Care Nelson Roetter.

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. 405, 1984. This Proposal was introduced by Councillor Borst. Seeing that Dr. Borst was absent from the meeting, the President instructed the Clerk to read the Introductions.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 356, 1984. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE amending the franchise contract between the City of Indianapolis and American Cable-vision"; and the President referred it to the Administration Committee.

PROPOSAL NO. 357, 1984. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$102,074 for the City-County Council"; and the President referred it to the Administration Committee.

PROPOSAL NO. 358, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Thomas Krudy to the Cable Franchise Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 359, 1984. Introduced by Councillors Journey and Boyd. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Bonita S. Watts to the Equal Opportunity Advisory Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 360, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Joyce Brinkman to the City-County Administrative Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 361, 1984. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a penalty fee for writing bad checks to city or county agencies"; and the President referred it to the Administration Committee.

PROPOSAL NO. 362, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance and sale of bonds for the purpose of making a loan to Center Township for poor relief purposes"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 369, 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 Horace Mann Renovation, Ltd. in an approximate amount of \$750,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 370, 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 714 Buchanan Street as an economic development target area"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 374, 1984. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE adding a new

article to the Code concerning the sale of tickets for events at public facilities"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 375, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$26,011 for the Prosecutor's Child Support Division for a Women's Resource Center and additional computer equipment cost"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 376, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$25,000 for Superior Court - Juvenile Division for equipment, supplies and renovation of the Probation Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 377, 1984. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE transferring \$10,000 for the Solid Waste Division to purchase safety supplies"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 378, 1984. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION endorsing pursuing a unified program to dispose of sludge and solid waste"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 379, 1984. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of "City of Indianapolis Sanitary District Bonds of 1984" in the amount of \$29,265,000" and the President referred it to the Public Works Committee.

PROPOSAL NO. 380, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE establishing a Municipal Capital Development Fund"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 381, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE establishing a County Capital Development Fund"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 382, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of North Columbia Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 383, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Southeastern Avenue and Sloan Avenue and Worchester Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 384, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls for Hearthstone Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 385, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of 14th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 386, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on portions of Capitol Avenue, Maryland Street and South Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 387, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a two hour parking meter zone on a portion of Court Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 406, 1984. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code, Chapter 27 dealing with sewage"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 407, 1984. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a 4-way stop at the intersection of Hawthorne Drive and East 54th Place"; and the President referred it to the Transportation Committee.

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

PROPOSAL NO. 405, 1984. Councillor Borst read Proposal No. 405, 1984, which honors the Perry Meridian High School Men's Baseball Team and moved, seconded by Councillor Howard, for adoption. He presented a copy of the resolution to Mr. Jim Roach, Coach, and introduced other persons present on behalf of Proposal No. 405: Dr. Ray Fatherlee, Superintendent of Perry Township Schools; Mr. Ron Bolyard, Vice Principal of Perry Meridian High School; Steve Taylor, Assistant Coach; and Mr. Noah Ellis, Athletic Director. Proposal No. 405, 1984, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 58, 1984, which reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 1984

A SPECIAL RESOLUTION honoring the Perry Meridian High School Men's Baseball Team.

WHEREAS, the Perry Meridian Falcons under Coach Jim Roach were the 1984 Indiana State High School Men's Baseball Championship runners-up; and

WHEREAS, Perry Meridian compiled a 23-9 record while winning the Franklin Central Sectionals, Pike Regionals and Lafayette Semi-State; and

WHEREAS, the Falcon Baseball Team exemplified true athletic ability and sportsmanship by rallying back many times on their road to the State Championship Game; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends and recognizes the 1984 Perry Meridian High School Men's Baseball Team and Coach Jim Roach for a great season in aspiring to the State Championship game and representing our City as great sportsmen.

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

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

SPECIAL ORDERS - PRIORITY BUSINESS

[Clerks Note: Proposal Nos. 389-404, 1984, were considered altogether; however, Proposal No. 389, 1984, was a General Ordinance for amendment to prior zoning ordinances pertaining to location of adult entertainment businesses in Marion County, Indiana.]

PROPOSAL NO. 389, 1984. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A GENERAL ORDINANCE certified by the Metropolitan

Development of Commission on June 21, 1984". Proposal No. 389, 1984, was adopted by consent of the Council and retitled GENERAL ORDINANCE NO. 44, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 1984
Proposal No. 389, 1984
Metropolitan Development Commission Docket No. 84-AO-4

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

ADULT ENTERTAINMENT BUSINESS ORDINANCE

NOW THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY
COUNCIL OF THE CONSOLIDATED CITY OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

SECTION 1. Repealer. That sections 1(A)(3), 1(A)(4) and 1(E)(1) of the COMMERCIAL SPECIAL EXCEPTIONS ZONING ORDINANCE OR MARION COUNTY, INDIANA (Ordinance 76-AO-2) are hereby specifically repealed.

SECTION 2. Amendment. That Marion County Council No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended and all zoning ordinances adopted as parts thereof, as amended, be further amended to read as follows:

SECTION 3. Intent and Purpose

In the development and adoption of this ordinance, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools and residential areas.

SECTION 4. Definitions

- A. "Adult Bookstore" shall mean an establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. "Adult Cabaret" shall mean a nightclub, bar, theatre, restaurant or similar establishment which frequently features live performances by

topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

- C. "Adult Drive-In Theater" shall mean an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
- D. "Adult Entertainment Business" shall mean an adult bookstore, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.
- E. "Adult Live Entertainment Arcade" shall mean any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.
- F. "Adult Mini Motion Picture Theater" shall mean an enclosed building with a capacity of more than 5 but less than 50 persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- G. "Adult Motel" shall mean a hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- H. "Adult Motion Picture Arcade" shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- I. "Adult Motion Picture Theater" shall mean an enclosed building with a capacity of 50 or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- J. "Adult Service Establishment" shall mean any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.
- K. "Agricultural Zoning District" shall include the A-1 and A-2 Zoning District.
- L. "Church Zoning District" shall include the SU-1 Zoning District.
- M. "Enlargement" shall mean an increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

- N. "Establishing an Adult Entertainment Business" shall mean and include any of the following:
- (a) the opening or commencement of any such business as a new business;
 - (b) the conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
 - (c) the addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
 - (d) the relocation of any such business.
- O. "Historic Preservation Zoning District" shall include the HP-1 and HP-2 Zoning District.
- P. "Integrated Center" shall mean a building containing a number of individual, unrelated and separately operated uses which share common site facilities and services such as driveway entrances and exists, parking areas, truck loading, maintenance, sewer and water utilities, or similar common facilities and services; or one or more buildings containing individual, unrelated and separately operated uses, occupying a site under one ownership or management for lease, and utilizing one or a combination of the aforementioned common site facilities or services.
- Q. "Nonconforming Adult Use" shall mean any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance.
- R. "Park Zoning District" shall include the PK-1 or PK-2 Zoning District.
- S. "Reconstruction" shall mean the rebuilding or restoration of any nonconforming adult use which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God if the damage or destruction exceeds two-thirds (2/3) of the value of the structure or the facilities affected.
- T. "Residential Zoning District" shall include D-S, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12 and D-P Zoning Districts.
- U. "Resumption" shall mean the reuse or reoccupation of a nonconforming adult use which has been discontinued for a period of six or more consecutive months.
- V. "School Zoning District" shall include the SU-2 Zoning District.
- W. "Services Involving Specified Sexual Activities or Display of Specified Anatomical Areas", as used in subsection J, shall mean and include any combination of two or more of the following activities:
- (1) the sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
 - (2) the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
 - (3) the operation of coin or sub operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
 - (4) live performances by topless and or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
 - (5) the operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Section 17-725 of the Code of City of Indianapolis, and any amendments thereto.

- X. "Specified Anatomical Areas" shall mean and include any of the following:
- (a) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
 - (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- Y. "Specified Sexual Activities" shall mean and include any of the following:
- (a) human genitals in a state of sexual stimulation or arousal;
 - (b) acts of human masturbation, sexual intercourse or sodomy;
 - (c) fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
 - (d) flagellation or torture in the context of a sexual relationship;
 - (e) masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 - (f) erotic touching, fondling or other such contact with an animal by a human being; or
 - (g) human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "a" through "f" above.
- Z. "Structural Alteration" shall mean any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments thereto.

SECTION 5. Prohibitions

The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within 500 feet of two other such businesses or within 500 feet of any existing church zoning district, school zoning district, park zoning district, agricultural zoning district, historic preservation zoning district or residential zoning district within Marion County, Indiana.

Provided further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C-4 (Community-Regional Commercial) zoning district, C-5 (General Commercial) zoning district, C-6 (Thoroughfare Service) zoning district, C-7 (High Intensity Commercial) zoning district or C-ID (Commercial-Industrial) zoning district.

Provided further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered in a C-4 (Community-Regional Commercial) zoning district unless the site or proposed site is located within an integrated center.

SECTION 6. Measurement of Distances

The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, park, agricultural, historic preservation, or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall to the adult entertainment business to the nearest property line of the church, school, park or residential zoning district. If any adult entertainment business is part or included within an integrated center, only the portion of said center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of said establishment.

SECTION 7. Exterior Display

- A. No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.
- B. "Number of Signs" Not more than one business wall sign shall be permitted for an adult entertainment business and said sign shall be permitted only on the front facade. In addition to the one permitted business wall sign, an adult entertainment business not located within an integrated center shall be permitted not more than one pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and which meets all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.
- C. "Sign Surface Area" The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.
- D. "Lighting" Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

SECTION 8. Continuation of Nonconforming Use

The lawful use of land or buildings existing at the time of the adoption of this ordinance may continue although such use does not conform to the regulations specified herein, subject to the provisions set forth in Section 5 above.

SECTION 9. Severability

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to then end the provisions and clauses of this ordinance are declared to be severable.

SECTION 10. Effective Date

An emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after its passage.

PROPOSAL NOS. 390-404, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on June 21, 1984". No action was taken by the Council, and the Proposals were deemed adopted. Proposal Nos. 390-404, 1984, were retitled REZONING ORDINANCE NOS. 104-118, 1984, and read as follows:

**REZONING ORDINANCE NO. 104, 1984 84-Z-80 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

6450 BROOKVILLE ROAD, INDIANAPOLIS

Linda and Larry Bracken, by L. Craig Turner, request the rezoning of 0.82 acre, being in the I-3-U district, to the C-3 classification, to provide for the construction and operation of a tavern/restaurant.

**REZONING ORDINANCE NO. 105, 1984 84-Z-85 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25**

8701 U.S. 31 SOUTH, INDIANAPOLIS

P.R. Duke Realty Corp., by Philip A. Nicely, requests rezoning of 14/82 acres, being in the A-2 district, to the C-4 classification, to provide for retail commercial use.

**REZONING ORDINANCE NO. 106, 1984 84-Z-87 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14**

8651 EAST WASHINGTON STREET, INDIANAPOLIS

David M. Hocket and Chester L. Goins, by William F. LeMond, request rezoning of 4.25 acres, being in the C-5 district, to the C-5 classification, to provide for construction of self-service storage units, including a resident manager's office.

**REZONING ORDINANCE NO. 107, 1984 84-Z-88 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 4**

4601 NORTH KEYSTONE AVENUE, INDIANAPOLIS

Mobil Oil Corporation, by James W. Beatty, requests rezoning of 0.88 acre, being in the D-5 district, to the C-5 classification, to provide for the operation of an automobile sales lot.

**REZONING ORDINANCE NO. 108, 1984 84-Z-89 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 24**

3215 EAST STOP 11 ROAD, INDIANAPOLIS

Midwest District of Christian and Missionary Alliance, Inc., by William F. LeMond, requests rezoning of 5.45 acres, being in the SU-1 district, to the D-6 classification, to provide for the construction of zero lotline detached single-family residences.

**REZONING ORDINANCE NO. 109, 1984 84-Z-91 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 5**

3651 NORTH GERMAN CHURCH ROAD, INDIANAPOLIS

Merit Holmes, Inc., by James Nickels, request rezoning of approximately 15 acres, being in the C-1 district, to the D-6 classification, to provide for residential development by platting.

**REZONING ORDINANCE NO. 110, 1984 84-Z-92 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8**

6365 WESTHAVEN DRIVE, INDIANAPOLIS

Richard H. Silcox, by David Powers, requests rezoning of 2.16 acres, being in the C-S and C-3 districts, to the C-S classification, to provide for uses including offices, warehousing, small assembly and packaging, computer center, technical data processing and distribution.

**REZONING ORDINANCE NO. 111, 1984 84-Z-94 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 19**

8750 WEST MORRIS STREET, INDIANAPOLIS

Cathedral of Prayer Baptist Church, by Howard M. Record, requests rezoning of 4.5 acres, being in the A-2 district, to the SU-1 classification, to provide for construction of a church to accommodate 450 people.

**REZONING ORDINANCE NO. 112, 1984 84-Z-97 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3**

8501 EAST 47th STREET, LAWRENCE, INDIANA

Bill Wise Oldsmobile, Inc., by Raymond Good, requests rezoning of 0.20 acre, being in the 1-2-S district, to the C-5 classification, to provide for access to restaurant from 47th Street.

**REZONING ORDINANCE NO. 113, 1984 84-Z-98 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 15**

750 NORTH SHADELAND AVENUE, INDIANAPOLIS

William A. Schmadeke, by Walter E. Wolf, Jr., requests rezoning of 1.95 acres, being in the C-4 district, to the C-5 classification, to provide for use as part of an automobile dealership.

**REZONING ORDINANCE NO. 114, 1984 84-Z-99 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5**

9599 NORTH HAGUE ROAD, INDIANAPOLIS

John Temple, by Thomas Michael Quinn, Jr., requests rezoning of 2.98 acres, being in the 1-3-S district, to the C-5 classification, to provide for the rental of tools and equipment.

**REZONING ORDINANCE NO. 115, 1984 84-Z-101 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

4350 SOUTH EAST STREET, INDIANAPOLIS

Trusts of Sarah M. Bixler and Peggy A. Bixler, by Louis H. Borgmann, request rezoning of 3.68 acres, being in the C-4 district, to the C-S classification, to provide for construction of mini-warehouses, including a resident manager's office.

**REZONING ORDINANCE NO. 116, 1984 84-Z-105 WASHINGTON TOWNSHIP
(84-DP-105)**

**COUNCILMANIC DISTRICT NO. 2
721 WEST 86TH STREET, INDIANAPOLIS**

Howard H. Wolner, by Walter E. Wolf, Jr., requests rezoning of 3.24 acres, being in the D-1 district, to the D-P classification, to provide for the construction of 10 cluster dwelling units which will each have a minimum of 2000 square feet of living area and a two-car garage.

**REZONING ORDINANCE NO. 117, 1984 84-Z-108 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3**

5258 EAST 82ND STREET, INDIANAPOLIS

Health Quest Realty XXI, by Robert O'Brien, requests rezoning of 29.27 acres, being in the C-S district, to the C-S classification, to provide for the development of a 240 bed nursing home and multi-story office buildings.

**REZONING ORDINANCE NO. 118, 1984 84-Z-114 (84-DP-8) WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

8002 CRAWFORDSVILLE ROAD, INDIANAPOLIS

Congregate Housing, by John W. Van Buskirk, requests rezoning of 4.5 acres, being in the D-P district, to the D-P classification, to provide for the construction of a three-story, 124 unit retirement apartment building, including supporting commercial uses.

PROPOSAL NO. 363, 1984. This inducement resolution authorizing proceedings with respect to proposed economic development bonds for John Ober and Betty L. Ober in an approximate amount of \$1,100,000 was recommended for passage by the Economic Development Committee by a vote of 5-0 on July 5, 1984. The Obers are principals in Business Furniture Corporation, and they plan to renovate certain floors of the company located at 101 S. Pennsylvania Street. They will also acquire and rehabilitate a structure at 107 S. Pennsylvania Street which will be leased to retail and commercial interests (less than 25% available for food

food service or retail). The project includes acquisition and restoration of a parking lot at 113 S. Pennsylvania Street. Estimated costs for the \$1,100,000 project are as follows: \$165,000 land, \$245,000 buildings, \$65,000 equipment, \$585,000 rehabilitation, and \$40,000 other contingencies. Renovation should begin in August, 1984, with operations beginning December, 1984. Business Furniture Corporation currently employs 73 persons and has an annual payroll of approximately \$1,461,000. It is anticipated that the project will provide two additional employment positions at the end of one year with \$50,000 in additional payroll to the community. The three-year employment estimate is twelve jobs with \$400,000 in additional payroll. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 363, 1984, was adopted on the following roll call vote; viz:

25 YEAS: *Boyd, Campbell, Clark, Cottingham, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*
4 NOT VOTING: *Borst, Bradley, Coughenour, Hawkins*

Proposal No. 363, 1984, was retitled SPECIAL RESOLUTION NO. 59, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 1984

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings

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, 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, John Ober and Betty Ober (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, 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 1. renovation and equipping of the office building located at 101 South Pennsylvania Street for general office use; 2. acquisition, renovation, installation and equipping of the building located at 107 South Pennsylvania Street for general office use with the first floor of the 107 South Pennsylvania Street building leased as either a food service facility or a retail facility; 3. upgrading of the parking lot located at 111 South Pennsylvania Street; and acquisition and upgrading of the parking lot located at 113 South Pennsylvania Street for use by tenants of the 107 South Pennsylvania Street building all of which locations are in Indianapolis, Indiana and of which a portion will be occupied by Business Furniture Corporation for use in its business of wholesale distribution of furniture (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 2 at the end of one year and approxi-

mately 12 at the end of three years) to be achieved by the acquisition, construction, 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 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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, renovation, installation and equipping of the facilities will not have an 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 \$1,100,000 under the Act to be privately placed for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to John Ober and Betty Ober (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, renovation, installation and equipping of the Project, this 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 provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued by the City of Indianapolis during that calendar year will not exceed the City of Indianapolis' private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the City of Indianapolis' private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed Project.

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, 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 see 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. 364, 1984. - an inducement resolution authorizing proceedings with respect to proposed economic development bonds for John E. & Elma H. Kahelin or assigns in an approximate amount of \$435,000. On July 5, 1984, the Economic Development Committee recommended passage by a vote of 5-0. The project will involve John and Elma Kahelin and/or a partnership to be formed in which Executone Communications/Indianapolis, Inc., Executone Communications Tri-State, Inc., and Telecommunication Systems, Inc. are general partners. The three companies are contractors for the design, sale, installation of telecommunication systems and products. The company is unable to expand their present location at 3909 N. College, and the project is to acquire a building containing approximately 7,500 square feet plus the construction of an approximately 4,500 square foot addition to the building at 8720 Robbins Road. The total site is about one acre. Estimated costs for the \$435,000 project are as follows: \$30,000 land, \$285,000 buildings, \$90,000 equipment, and \$30,000 other contingencies. Construction should begin September, 1984, with operations in the new addition by December, 1984. The company currently has an annual payroll of \$945,270 with 47 employees. The estimated number of additional employment positions at the end of one year total 5 jobs, with \$95,000 in additional payroll to the community. The three-year employment estimate is 16 jobs with \$180,000 in additional payroll. Councillor Schneider moved, seconded by Councillor Clark, for adoption. Proposal No. 364, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, Shaw, Stewart, Strader, West*
3 NOT VOTING: *Borst, Hawkins, SerVaas*

Proposal No. 364, 1984, was retitled SPECIAL RESOLUTION NO. 60, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 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, John E. Kahelin and Elma H. Kahelin and/or a partnership to be formed in which Executone Communications/Indianapolis, Inc., Executone Communications Tri-State, Inc. and Telecommunications Systems, Inc. are general partners, (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, renovation, construction, installation and equipping of an existing building containing approximately 7,500 square feet plus the construction of an approximately 4,500 square foot addition to the building, and the machinery and equipment to be located at 8720 Robbins Road, Indianapolis, Indiana, on approximately 1.0 acres of land, which will be used by Executone Communications/Indianapolis, Inc., Executone Communications Tri-State, Inc., and Telecommunications Systems, Inc. in their businesses as contractors for the design, sale and installation of telecommunication systems and products (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 approximately 15 at the end of three years) to be achieved by the acquisition, renovation, 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, renovation, construction, installation and equipping of the facilities will not have an 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 \$435,000 under the Act to be privately placed for the acquisition, renovation, construction, installation and equipping of the Project and the sale or leasing of the Project to John E. Kahelin and Elma H. Kahelin and/or a partnership to be formed in which Executone Communications/Indianapolis, Inc., Executone Communications Tri-State, Inc. and Telecommunications Systems, Inc. are general partners, (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, construction, installation and equipping of the Project, this 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 provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued by the City of Indianapolis during that calendar year will not exceed the City of Indianapolis' private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the City of Indianapolis' private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed Project.

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, renovation, 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 see 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. 366, 1984. This special ordinance designating the parcel of land commonly known as 407-421 N. Pennsylvania Street as an economic development target area. The Economic Development Committee recommended this proposal for passage on July 5, 1984. Proposal No. 366 is a companion ordinance to Proposal No. 365, 1984. Councillor Schneider moved, seconded by Councillor West, for adoption. Proposal No. 366, 1984, was adopted on the following roll call vote; viz:

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

2 NAYS: *Clark, Howard*

2 NOT VOTING: *Hawkins, Shaw*

Proposal No. 366, 1984, was retitled SPECIAL ORDINANCE NO. 29, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 29, 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) indicated that 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 July 5, 1984 the Indianapolis Economic Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly know as 407-421 N. Pennsylvania Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

PARCEL I:

Lots 13 and 14 and 30 feet by parallel lines off the entire south side of Lot 15 in the Samuel Henderson's Subdivision of Square 17 of the Donation Lands of

the City of Indianapolis, the plat of which is recorded in deed record S, page 364, in the Office of the Recorder of Marion County, Indiana.

PARCEL II:

Lots 16, 17 and 18 and 3 feet 9 inches off the north side of Lot 15 in Samuel Henderson's Subdivision of Square 17 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in deed record S, page 364, in the Office of the Recorder of Marion County, Indiana.

PARCEL III:

Lots 7, 8 and 9 in Samuel Henderson's Subdivision of Square 17 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in deed record S, page 364, 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 407-421 N. Pennsylvania Street, Indianapolis, Indiana, which is more specifically described as:

PARCEL I:

Lots 13 and 14 and 30 feet by parallel lines off the entire south side of Lot 15 in Samuel Henderson's Subdivision of Square 17 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in deed record S page 364, in the Office of the Recorder of Marion County, Indiana.

PARCEL II:

Lots 16, 17 and 18 and 3 feet 9 inches off the north side of Lot 15 in Samuel Henderson's Subdivision of Square 17 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in deed record S, page 364, in the Office of the Recorder of Marion County, Indiana.

PARCEL III:

Lots 7, 8 and 9 in Samuel Henderson's Subdivision of Square 17 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in deed record S, page 364, in the Office of the Recorder of Marion County, Indiana.

meet the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of 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 ..."

SECTION 2. This City-County Council hereby designates, pursuant to I.C. 36-7-12, as amended, the parcels 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. 365, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for 407 Associates, Ltd., a to be formed Indiana limited partnership in which Robert Carr will be a general partner, Robert Carr, or their designee in an approximate amount of \$10,000,000. On July 5, 1984, by a 5-0-1 vote, the Economic Development Committee recom-

mended passage for Proposal No. 365. The project is to acquire and renovate the "Essex House" hotel/apartment complex containing approximately 234,500 square foot at 130-1/2 N. Delaware Street. The adjoining five-story parking structure, designed to accommodate 300 cars, will also be acquired and renovated to meet code requirements. After renovation, there will be approximately 26,500 square feet of commercial space will be on the first floor level and a total of 288 apartments. Monthly rental rates for apartments will range from approximately \$250 for studio apartments to \$550-\$800 per month for two-bedroom apartments. Although financing is limited to \$10,000,000, the total project will cost approximately \$14,000,000: \$5,800,000 for acquisition of land and building, \$7,143,800 renovation, and \$1,500,000 contingencies. Construction should begin November, 1984, with occupancy or operations by November, 1985. The company reports a current annual payroll of approximately \$115,000, with nine employees. The estimated number of additional employment positions at the end of one year total 20 jobs, with \$227,000 in additional payroll to the community. The three-year employment estimate is 20 jobs with \$227,000 in additional payroll. Councillor Clark objected to the project because after renovation, the facility would provide fewer employment positions compared to the number of employees it now has in its present capacity as a hotel. Mr. Jim Crawford, Bond Counsel, explained that the hotel has lost profits from being unsuccessful, and stressed that a great number of rooms are no longer rented on a nightly basis as hotel rooms. Councillor Schneider moved, seconded by Councillor West, for adoption. Proposal No. 365, 1984, was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Journey, McGrath, Miller, Page, Rader, Rhodes, SerVaas, Stewart, Strader, West

2 NAYS: Clark, Howard

5 NOT VOTING: Crowe, Hawkins, Nickell, Schneider, Shaw

Proposal No. 365, 1984, was retitled SPECIAL RESOLUTION NO. 61, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 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, 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, 407 Associates, Ltd., a to be formed Indiana limited partnership, in which Robert Carr will be a general partner, and/or Robert Carr (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, 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, construction, renovation, installation and equipping of the existing "Essex House" building and the related parking garage and the machinery and equipment to be installed therein plus certain site improvements located at 407-421 N. Pennsylvania Street, Indianapolis, Indiana, which will be used by the Company for the following uses: (a) 288 residential rental units consisting of 204 one bedroom residential rental units, 48 two bedroom residential rental units, and 36 studio residential rental units for which it is estimated that approximately 205,000 square feet will be used for residential rental units and related common areas; and (b) approximately 26,500 square feet of commercial space on the first floor level for which it is currently anticipated that this commercial space will include uses of the following type: restaurant and bar, supermarket, drug store, dry cleaners, branch bank, deli, beauty/barber shop, and a pool and exercise area; and (c) a refurbished, attached, secured parking garage containing approximately 300 spaces to be used for parking for tenants, staff and the public (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 20 at the end of one year and at the end of three years) to be achieved by the acquisition, construction, 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 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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, renovation, installation and equipping of the facilities will not have an 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 Ten Million Dollars \$10,000,000 under the Act subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to 407 Associates, Ltd., a to be formed Indiana limited partnership, in which Robert Carr will be a general partner, and/or Robert Carr (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, renovation, installation and equipping of the Project, this 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 provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued by the City of Indianapolis during that calendar year will not exceed the City of Indianapolis' private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the City of Indianapolis' private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed Project.

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, 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 see 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. 368, 1984. This special ordinance designating the parcel of land commonly known as 25 W. Maryland as an economic development target area is a companion ordinance to Proposal No. 367, 1984. It was recommended for passage by a 7-0 vote on July 5, 1984, by the Economic Development Committee. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 368, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Dowden*

Proposal No. 368, 1984, was retitled SPECIAL ORDINANCE NO. 30, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 30, 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 July 5, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 25 W. Maryland Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

Lot 12 in Square 75 of the Donation Lands of the City of Indianapolis, 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 25 W. Maryland Street, Indianapolis, Indiana, which is more specifically described as:

**Lot 12 in Square 75 of the Donation Lands of the City of Indianapolis,
Marion County, Indiana.**

meet the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of 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 ..."

SECTION 2. This City-County Council hereby designates, pursuant to I.C. 36-7-12, as amended, the parcels 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. 367, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for Louis Pack DBA Group Americal, Inc., or a partnership to be formed including Louis Pack as a general partner in an approximate amount of \$7,000,000. The Economic Development Committee recommended passage for Proposal No. 367, 1984, on July 5, 1984, by a 7-0 vote. The company intends to have two separate and related projects to be accomplished in three phases: a) Phase One: Acquisition of The Indianapolis Gift Mart presently located at 25 W. Maryland Street; b) Phase Two: Construct, equip, etc. a new structure containing approximately 81,600 square foot to be located in either Corporate Center North, Park Fletcher, or in Park 100. The company desires the site to be approximately ten acres which will be used by Mid-America Giftwares and Manufacturers Assoc. for the operation of the Indianapolis Gift Mart (to be used as a wholesale trade mart); c) Phase Three: Simultaneous transfer of tenants from 25 W. Maryland to the new Gift Mart and renovation of this facility to convert it to a sixty-suite hotel with leased rental food and beverage facilities, limited retail shops, conference areas, etc. Estimated costs for the project are as follows: \$3.8 million for construction and equipping of the new Gift Mart, and \$3.2 for acquisition, renovation and equipping of the 25 W. Maryland structure. Construction should begin in February, 1985, for the 25 W. Maryland Street project, followed by a construction date of September, 1985, for the new Gift Mart. For the 25 W. Maryland Street project (Phase One), the estimated number of additional employment positions at the end of one year total 101 jobs, with \$1,098,474 in additional payroll to the community. The three-year employment estimate for Phase One is 119 jobs with \$1,296,640

in additional payroll. For the new Gift Mart facility, the estimated number of additional employment positions at the end of one year total 56 jobs. The three-year employment estimate for Phase Two is 81 jobs. Councillor Schneider moved, seconded by Councillor Howard, for passage. Proposal No. 367, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Cottingham*

Proposal No. 367, 1984, was retitled SPECIAL RESOLUTION 62, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 62, 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, 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, Louis Pack DBA Group Americal, Inc. or a partnership to be formed which includes Louis Pack as a general partner (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, 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 two separate and related projects accomplished in three phases consisting of the acquisition, construction, installation and equipping of an approximately 81,600 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located either in Corporate Center North, Park Fletcher or in Park 100, Indianapolis, Indiana on approximately 10 acres which will be used by Mid-America Giftwares and Manufacturers Assoc. for the operation of the Indianapolis Gift Mart (which is currently located at 25 W. Maryland Street, Indianapolis, Indiana) as a wholesale trade mart to provide showroom, display, and minimal office space for tenants as Phase One plus the acquisition, construction, renovation, installation and equipping of an existing building and the machinery and equipment to be installed therein plus certain site improvements located at 25 W. Maryland Street, Indianapolis, Indiana which will be used for a 60 suite hotel with leased rental food and beverage facilities, limited retail shops and conference areas containing a total of approximately 61,107 square feet as Phase Two and as Phase Three the simultaneous transfer of the tenants from 25 W. Maryland to the new Gift Mart and the commencement of a historical renovation at 25 W. Maryland (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 101 at the end of one year and approximately 109 at the end of three years for Phase One and an additional number of jobs of approximately 56 at the end of one year and 81 at the end of three years for Phase Two) to be achieved by the acquisition, construction, 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 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 will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, renovation, installation and equipping of the facilities will not have an 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 \$7,000,000 under the Act to be privately placed, subject to Phase Two of the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended, subject to Louis Pack being a general partner with unlimited liability if entity utilized is a partnership and to the Economic Development Commission approving any other general partners financial statements prior to the issuance of any such bonds and subject to the further limitation that this inducement resolution must be renewed if such bonds are not issued in 1984, for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to Louis Pack DBA Group Americal, Inc. or a partnership to be formed which includes Louis Pack as a general partner, (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, renovation, installation and equipping of the Project, this 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 provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued by the City of Indianapolis during that calendar year will not exceed the City of Indianapolis' private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the City of Indianapolis' private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which

have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed Project.

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, 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 see 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. 371, 1984. This inducement resolution authorizes proceedings with respect to proposed economic development bonds for H & K Realty and E & A Industries, Inc. in an approximate amount of \$3,000,000. E & A Industries, Inc. is a holding company which owns World Wide Chemicals, Inc. and Apex Corporation. World Wide Chemicals, Inc. manufactures and sells a line of automobile reconditioning products including polishes, waxes, degreasers and cleaners which are sold throughout the United States to 190 distributors. Apex Corporation is a precision machine shop specializing in close tolerance aircraft engine parts. The project is to construct a 30,000 square foot addition to the company's 1910 State Street facility; however, the addition will be on land having an address of 1910 Quill Street. Estimated costs for the \$3,000,000 project are as follows: \$1,300,000 buildings, \$1,500,000 equipment, and \$200,000 land. The estimated number of additional employment positions at the end of one year total 30 jobs, with \$500,000 in additional payroll to the community. The three-year employment estimate is 50 jobs with \$950,000 in additional payroll. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 371, 1984, was adopted on the following roll call vote; viz:

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

Proposal No. 371, 1984, was retitled SPECIAL RESOLUTION NO. 63, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 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, H & K Realty and/or E & A Industries, 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 a building containing approximately 30,000 square feet as an addition to the existing facilities and the machinery and equipment to be located therein plus certain site improvements to be located at 1910 Quill Street, Indianapolis, Indiana, on approximately 1.2 acres of land, which will be used by World Wide Chemicals, Inc. and Apex Corporation for the manufacturing of automobile reconditioning products such as polishes, waxes and cleaners and also for precision machinery of parts including aircraft engine parts (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 30 at the end of one year and approximately 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 an 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 \$3,000,000 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 H & K Realty and/or E & A Industries, 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, this 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 provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued by the City of Indianapolis during that calendar year will not exceed the City of Indianapolis' private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the City of Indianapolis' private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed Project.

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 see 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. 372, 1984. This final bond ordinance authorizes the issuance of \$2,500,000 Economic Development Revenue Bonds for Shadeland Avenue Medical Land Partnership. The Economic Development Committee recommended passage by a vote of 6-0-1 on July 5, 1984, for this project to construct a 33,000 square foot building on approximately three acres on Tract 9 on the Community Hospital Castleton Campus at the intersection of 82nd Street and Shadeland Avenue which will be used for the provision of medical services in the otology speciality and related services by Ear Institute of Indiana, Inc., Eye Institute of Indiana, Inc., Eye and Ear Ambulatory Surgery Center, and Wright Institute of Otology. Councillor Schneider moved, seconded by Councillor Cottingham, for adoption. Proposal No. 372, 1984, was adopted on the following roll call vote; viz:

20 YEAS: *Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West* 9 NAYS: *Borst, Campbell, Clark, Dowden, Durnil, Giffin, Hawkins, Nickell, Strader*

Proposal No. 372, 1984, was retitled SPECIAL ORDINANCE NO. 31, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 31, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership Project)" 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 Shadeland Avenue Medical Land Partnership and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on July 5, 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 Shadeland Avenue Medical Land Partnership (the "Company") consisting of the acquisition, construction, installation and equipping of a structure containing approximately 33,000 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located on Tract 9 of the Community Hospital Castleton Campus at the southeast quadrant of the intersection of East 82nd Street and Shadeland Avenue, Indianapolis, Indiana on approximately 3 acres of land which will be used for the provision of medical services in the otology speciality and related services by Ear Institute of Indiana, Inc., Eye Institute of Indiana, Inc., Eye and Ear Ambulatory Surgery Center, and Wright Institute of Otolaryngology (the "Project") which will be initially owned and operated by Shadeland Avenue Medical Land Partnership and occupied by Ear Institute of Indiana, Inc., Eye Institute of Indiana, Inc., Eye and Ear Ambulatory Surgery Center, and Wright Institute of Otolaryngology 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 Indenture of Trust, Guaranty Agreement, Promissory Note, and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership 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, construction, installation and equipping of a structure containing approximately 33,000 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located on Tract 9 of the Community Hospital Castleton Campus at the southeast quadrant of the intersection of East 82nd Street and Shadeland Avenue, Indianapolis, Indiana on approximately 3 acres of land which will be used for the provision of medical services in the otology speciality and related services by Ear Institute of Indiana, Inc., Eye Institute of Indiana, Inc., Eye and Ear Ambulatory Surgery Center, and Wright Institute of Otolaryngology 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 Shadeland Avenue Medical Land 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 Shadeland Avenue Medical Land 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 Indenture of Trust,

Guaranty Agreement, Promissory Note, and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership 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 Indenture of Trust, Guaranty Agreement, Promissory Note, and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership 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 First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership Project) in the aggregate principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) for the purpose of procuring funds to loan to Shadeland Avenue Medical Land 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 incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Shadeland Avenue Medical Land Partnership 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 Shadeland Avenue Medical Land Partnership to evidence and secure said loan, and as otherwise provided in the above described Mortgage and Indenture of Trust 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 aggregate principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest equal to 7% above the 10 year treasury note rate in existence on the date of closing times 54% or such higher rate of interest provided for in the Mortgage and Indenture of Trust resulting from a Determination of Taxability or Default.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Indenture of Trust, the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership Project), and the Endorsement to the Promissory 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 Trust Indenture. The Mayor and City Clerk may by their execution of the Loan Agreement, Mortgage and Indenture of Trust, the Endorsement to the Promissory Note, and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the Promissory Note and Guaranty Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1984 (Shadeland Avenue Medical Land Partnership 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. 373, 1984. This special ordinance approves a Supplemental Trust Indenture concerning the previously issued Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984. No new bonds are being issued; the amendment corrects an oversight in defining the terms "Adjusted Rate Index" and "Base Rate." The Economic Development Committee recommended passage for this ordinance on July 5, 1984, by a vote of 6-0-1. Since this bond ordinance involves General Motors Corporation, and Mr. Carlton Curry is an employee of General Motors Corporation and a City-County Councillor, such interest is disclosed, and Mr. Curry did not participate in any of the Council proceedings involving this proposal. Councillor Schneider moved, seconded by Councillor Clark, for adoption. Proposal No. 373, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*
3 NOT VOTING: *Curry, Gilmer, Rader*

Proposal No. 373, 1984, was retitled SPECIAL ORDINANCE NO. 32, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 32, 1984

A SPECIAL ORDINANCE approving the execution of a Supplemental Trust Indenture in connection with the previously issued City of Indianapolis Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984 and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis (the "Issuer") did on April 27, 1984, issue the City of Indianapolis Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984 (the "Bonds"), in the aggregate principal amount of \$1,400,000, pursuant to the terms of a Trust Indenture, dated as of April 1, 1984 (the "Indenture"), by and between the Issuer and Bankers Trust Company, as trustee (the "Trustee"); and

WHEREAS, in connection with the issuance of the Bonds as aforesaid, the Issuer, the Trustee, General Motors Corporation and Chemical Bank, as purchaser of the Bonds (the "Purchaser"), entered into a Bond Purchase Agreement, dated as of April 1, 1984 (the "Bond Purchase Agreement"), which effectively supplemented the Indenture as therein specified; and

WHEREAS, subsequent to the issuance of the Bonds it was discovered that a certain oversight had occurred in defining the term "Adjusted Rate Index" in the Indenture, Exhibit "A" and Exhibit "B" thereto and the Bond which was delivered to the Purchaser on the aforesaid date of issuance; and

WHEREAS, such oversight occurs in the latter part of such definition where it is presently provided that if "the Indexing Agent no longer determines or fails to determine the Adjusted Rate Index, and no other qualified municipal securities evaluation service can be appointed by the Company, the Adjusted Rate Index will be determined by the Trustee and will be equal to the Base Rate;" and

WHEREAS, the various parties interested in the issuance of the Bonds agree that the alternative method of determining the Adjusted Rate Index was intended to produce an annualized interest rate index notwithstanding the fact that the term "Base Rate" (as defined in the Indenture) describes as interest rate which is a one-month coupon equivalent; and

WHEREAS, the Issuer, Trustee and Purchaser are in agreement that the aforesaid definition of the Adjusted Rate Index should be modified in such a manner as to annualize the interest rate comprising the Base Rate for the purpose of providing the intended back-up definition of Adjusted Rate Index and have prepared a Supplemental Trust Indenture to accomplish the modification; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final form of the Supplemental Trust Indenture 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 approval of the Supplemental Trust Indenture previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The form of the Supplemental Trust Indenture approved by the Indianapolis Economic Development Commission is hereby approved and such document 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 Supplemental Trust Indenture are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute and deliver the Supplemental Trust Indenture approved herein, and its execution is hereby affirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The Mayor and City Clerk may by their execution of the Supplemental Trust Indenture approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a) through (a)(11).

SECTION 4. The provisions of this ordinance and the Supplemental Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984 and 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 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 278, 1984. This final bond ordinance authorizes the issuance of \$5,000,000 Economic Development Revenue Bonds for Overland Express, Inc. or

its wholly owned subsidiary Leasco, Inc. The ordinance was recommended for passage by the Economic Development Committee on July 5, 1984, by vote of 7-0, as amended. Chairman Schneider explained that Proposal No. 278 was amended to increase the amount from \$4,500,000 to \$5,000,000. The project is to acquire, construct, install, and equip a building containing approximately 48,000 square feet of office and related storage space plus approximately 27,000 square feet of maintenance and service space at 1730 W. Thompson Road on approximately 20 acres of land. The location will be used as a motor freight terminal including a maintenance and service sector for semi-tractors and trailers. Councillor Schneider moved, seconded by Councillor Clark, for adoption. Proposal No. 278, 1984, as amended, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*
2 NOT VOTING: *Cottingham, Shaw*

Proposal No. 278, 1984, As Amended, was retitled SPECIAL ORDINANCE NO. 33, 1984, As Amended, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 33, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1984 (Overland Express, Inc. Project)" in the aggregate principal amount of Five Million Dollars (\$5,000,000) 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 Overland Express, Inc. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on July 5, 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 Overland Express, Inc. (the "Company") consisting of the acquisition, construction, installation and equipping of a building containing approximately 48,000 square feet of office and related storage space plus approximately 27,000 square feet of maintenance and service space and the machinery and equipment to be installed therein plus certain site improvements to be located at 1730 West Thompson Road, Indianapolis, Indiana on approximately 20 acres of land which will be used by the Company as a motor freight terminal including a maintenance and service sector for semi-tractors and trailers (the "Project") which will be initially owned and operated by Overland Express, 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 Trust Indenture, Loan Agreement, Mortgage and Security

Agreement, First Mortgage Note, Series A and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series A (Overland Express, Inc. 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 a building containing approximately 48,000 square feet of office and related storage space plus approximately 27,000 square feet of maintenance and service space and the machinery and equipment to be installed therein plus certain site improvements to be located at 1730 West Thompson Road, Indianapolis, Indiana on approximately 20 acres of land which will be used by the Company as a motor freight terminal including a maintenance and service sector for semi-tractors and trailers 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 Overland Express, Inc. 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 Overland Express, 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, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series A and the form of the City of Indianapolis Economic Development Revenue Bonds, Series A (Overland Express, 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, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series A and the form of the City of Indianapolis Economic Development Revenue Bonds, Series A (Overland Express, 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, Series A (Overland Express, Inc. Project) in the aggregate principal amount of Five Million Dollars (\$5,000,000) for the purpose of procuring funds to loan to Overland Express, 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, 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 Overland Express, Inc. on its First Mortgage Note, Series A in the principal amount of Five Million Dollars (\$5,000,000) which will be executed and delivered by Overland Express, Inc. to evidence and secure said loan, and as otherwise provided in the above described Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to 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 not to exceed ten and three-quarters percent (10.75%).

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, Series A (Overland Express, Inc. Project), and the Endorsement to the First Mortgage Note, Series A 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 by their execution of the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, the Endorsement to the First Mortgage Note, Series A and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the First Mortgage Note, Series A 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 A (Overland Express, 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.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 323, 1984. This proposal transfers \$13,500 for the County Recorder for increased postage and supply costs. Councillor Cottingham reported that by a 4-0 vote, the County and Townships Committee recommended passage for this proposal on June 19, 1984. Councillor Cottingham moved, seconded by Councillor Hawkins, for adoption. Proposal No. 323, 1984, was adopted on the following roll call vote; viz:

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

Proposal No. 323, 1984, was retitled FISCAL ORDINANCE NO. 52, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 52, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Thirteen Thousand Five Hundred Dollars (\$13,500) in the County General Fund for purposes of the Marion County Recorder 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 (a)(6) 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 increased postage and supply costs.

SECTION 2. The sum of Thirteen Thousand Five Hundred Dollars (\$13,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

| | |
|--|---------------------|
| SECTION 3. The following increased appropriation is hereby approved: | |
| MARION COUNTY RECORDER | COUNTY GENERAL FUND |
| 2. Supplies | \$12,500 |
| 3. Other Services & Charges | <u>1,000</u> |
| TOTAL INCREASE | \$13,500 |

| | |
|--|---------------------|
| SECTION 4. The said increased appropriation is funded by the following reductions: | |
| MARION COUNTY RECORDER | COUNTY GENERAL FUND |
| 1. Personal Services | \$13,500 |
| TOTAL REDUCTION | \$13,500 |

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

(6) COUNTY RECORDER - Dept. 26

| Personnel Classification | Maximum Number | Maximum Salary | Maximum Per Classification |
|--------------------------|----------------|----------------|---------------------------------|
| Recorder | 1 | 30,820 | 30,820 |
| Chief Deputy Recorder | 1 | 24,087 | 24,087 |
| Fiscal Deputy | 1 | 17,325 | 17,325 |
| Secretary II | 1 | 12,647 | 12,647 |
| Technicians | 8 | 11,727 | 84,000 <u>89,454</u> |
| Statistical Typists | 3 | 9,853 | 29,560 |
| Technical Clerks | 9 | 11,781 | 102,312 |
| Records Deputy | 1 | 13,445 | 13,445 |
| U.C.C. Deputy | 1 | 11,727 | 11,727 |
| <u>Vacancy Factor</u> | | | <u>0 (18,954)</u> |
| TOTAL | 26 | 325,927 | <u>312,423</u> |

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

PROPOSAL NO. 324, 1984. This proposal appropriates \$3,897 for the Clerk of the Circuit Court to adjust the personnel schedule. Councillor Cottingham reported that the County and Townships Committee recommended passage for Proposal No. 324, 1984, by a 6-0 vote on June 19, 1984. Councillor Cottingham moved, seconded by Councillor Bradley, for adoption. Proposal No. 324, 1984, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West
 1 NOT VOTING: Clark

Proposal No. 324, 1984, was retitled FISCAL ORDINANCE NO. 53, 1984, and reads as follows:

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

PROPOSAL NO. 338, 1984. This proposal transfers \$40,000 for the County Prosecutor to purchase word processing equipment. Councillor William Dowden explained that the Public Safety and Criminal Justice Committee recommended passage on June 13, 1984. Councillor Dowden moved, seconded by Councillor Borst, for passage. Proposal No. 338, 1984, was adopted on the following roll call vote; viz;

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

Proposal No. 338, 1984, was retitled FISCAL ORDINANCE NO. 54, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 54, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Forty Thousand Dollars (\$40,000) in the County General Fund for purposes of the Marion County Prosecutor 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)(22) 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 to reduce the vacancy factor and to purchase word processing equipment.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) 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:

| | |
|--------------------------|----------------------------|
| Marion County Prosecutor | COUNTY GENERAL FUND |
| 1. Personal Services | \$20,000 |
| 4. Capital Outlay | <u>\$20,000</u> |
| TOTAL INCREASE | \$40,000 |

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

| | |
|---------------------------------|----------------------------|
| MARION COUNTY PROSECUTOR | COUNTY GENERAL FUND |
| 3. Other Services & Charges | \$40,000 |
| TOTAL REDUCTION | \$40,000 |

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

(22) PROSECUTING ATTORNEY - Dept. 25

| | | | |
|---------------------------------|-----------------------|-----------------------|-----------------------------------|
| Personnel Classification | Maximum Number | Maximum Salary | Maximum Per Classification |
|---------------------------------|-----------------------|-----------------------|-----------------------------------|

| | | | |
|---------------------|-----|--------|---------------------------------|
| Elected Official | 1 | 6,318 | 6,318 |
| Chief Trial Deputy | 1 | 4,739 | 4,739 |
| Admin. Staff | 3 | 24,727 | 43,660 |
| Admin. Supervisor | 6 8 | 22,478 | 98,489 |
| Admin. Secretary | 12 | 16,535 | 138,618 |
| General Secretary | 11 | 16,281 | 132,602 |
| Computer Supervisor | 4 | 14,073 | 41,046 |
| Investigator | 4 | 38,568 | 101,567 |
| Law Clerk | 13 | 15,246 | 119,150 |
| Paralegal | 17 | 18,763 | 211,203 |
| Chief Counsel | 1 | 38,568 | 87,483 <u>38,568</u> |

| Personnel Classification | Maximum Number | Maximum Salary | Maximum Per Classification |
|-------------------------------------|-----------------------|-------------------------|----------------------------|
| Supv. of Professionals | 8 | 38,568 | 172,859 |
| Full & Part-time Deputy Prosecutors | 47 | 34,746 | 1,019,827 |
| Temporary | | | 20,000 |
| Witness Fees | | | 18,000 |
| Vacancy Factor | — | (217,228) | (<u>193,311</u>) |
| TOTAL | <u>178 130</u> | <u>1,958,835</u> | <u>1,973,335</u> |

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

PROPOSAL NO. 339, 1984, changes intersection controls in Crooked Creek and The Pines Subdivisions. The Transportation Committee recommended passage for this proposal on June 20, 1984, by a 5-0 vote. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal No. 339, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*
 3 NOT VOTING: *Cottingham, Dowden, Hawkins*

Proposal No. 339, 1984, was retitled General Ordinance No. 38, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1984

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

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

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

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|--|---------------------|------------------------|
| 2, Pg. 1 | Baccus Ct. & Oil Creek Dr. | Oil Creek Dr. | YIELD |
| 2, Pg. 1 | Cedar Creek Ct. & Hollow Creek Dr. | Hollow Creek Dr. | YIELD |
| 2, Pg. 1 | Clayburn Dr. & Oil Creek Dr. | Oil Creek Dr. | STOP |
| 2, Pg. 1 | Hollow Creek Ct. & Hollow Creek Dr. | Hollow Creek Dr. | YIELD |
| 2, Pg. 1 | Hollow Creek Dr. & Pebble Creek Ct. | Hollow Creek Dr. | STOP |
| 2, Pg. 1 | Hollow Creek Dr. & Oil Creek Dr. | Oil Creek Dr. | STOP |
| 2, Pg. 1 | Oil Creek Ct. & Oil Creek Dr. | Oil Creek Dr. | YIELD |
| 2, Pg. 1 | Oil Creek Dr. & Payne Rd. | Payne Rd. | STOP |
| 2, Pg. 1 | Payne Rd. & Pebble Creek Dr. | Payne Rd. | STOP |
| 2, Pg. 1 | Pebble Creek Ct. & Pebble Creek Dr. | Pebble Creek | YIELD |
| 9, Pg. 1 | Cayuge Ct. & Indian Cove Rd. | Indian Cove Rd. | YIELD |
| 9, Pg. 1 | Indian Cove Rd. & Merom Ct. | Indian Cove Rd. | YIELD |
| 9, Pg. 1 | Indian Cove Rd. & Schmus Ct. | Indian Cove Rd. | YIELD |
| 9, Pg. 1 | Indian Cove Rd. & Zionsville Rd. | Zionsville Rd. | STOP |

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

[Clerks Note: Council consent was given to consider Proposal Nos. 340, 341, 342, 343, 344, and 345, 1984, together. All of the aforementioned proposals are routine traffic ordinances recommended by the Transportation Committee on June 20, 1984, by a vote of 5-0.]

PROPOSAL NO. 340, 1984, changes parking controls on portions of 38th Street. PROPOSAL NO. 341, 1984, changes speed limit controls on various streets. The committee amended the proposed speed for 56th Street, from Keystone Avenue, to Emerson Way, from 40 MPH to 35 MPH (the current speed limit is 30 MPH). Councillor Clark requested that Proposal No. 341 be further amended by deleting reference to speed limits being increased for German Church Road. Consent was given for the deletion. PROPOSAL NO. 342, 1984, changes speed limit controls on a portion of Harding Street. PROPOSAL NO. 343, 1984, changes parking controls on a portion of English Avenue. Councillors Durnil and Strader requested that Proposal No. 343 be sent back to the Transportation Committee for further study. Consent was given. PROPOSAL NO. 344, 1984, changes intersection controls at Center Run Road and 82nd Street. PROPOSAL NO. 345, 1984, changes intersection controls at Central Avenue and 13th Street. Proposal Nos. 340, 341 As Amended, 342, 344, and 345, 1984, were adopted on the following roll call vote; viz:

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

Proposal Nos. 340, 341 As Amended, 342, 344, and 345, 1984, were retitled GENERAL ORDINANCE NOS. 39-43, 1984, respectively, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets, Section 29-269, Parking prohibited at all times on specified days, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, Section 29-272, Parking time restricted on designated days, Section 29-283, Parking meter zones designated.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Thirty-eighth Street, on both sides, from Boulevard Place to Capitol Avenue;

Thirty-eighth Street, on both sides, from Fall Creek Parkway to Kinnear Avenue;

Thirty-eighth Street, on both sides, from Hillside Avenue to Tacoma Avenue;

Thirty-eighth Street, on both sides, from Kenwood Avenue to the Monon Railroad;

Thirty-eighth Street, on both sides, from Station Street to Denny Street;

Thirty-eighth Street, on the north side, from the Monon Railroad to Fall Creek Boulevard;

Thirty-eighth Street, on the north side, from Northwestern Avenue to Clarendon Road;

Thirty-eighth Street, on the north side, from Pennsylvania Street to Meridian Street;

Thirty-eighth Street, on the south side, from a point 118 feet west of the west curbline of Illinois Street to a point 175 feet west of the west curbline of Illinois Street;

Thirty-eighth Street, on the south side, from the Monon Railroad to Fall Creek Parkway, North Drive;

Thirty-eighth Street, on the south side, from Northwestern Street to Boulevard Place; and

East Thirty-eighth Street, on both sides, from North Shadeland Avenue to North Franklin Road.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-269, Parking prohibited at all times on specified days, be and the same is hereby amended by the deletion of the following, to wit:

PROHIBITED ON ANY DAY EXCEPT SUNDAY

Thirty-eighth Street, on both sides, from Fall Creek Parkway, North Drive, to the east city limits.

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SUNDAY
From 6:00 a.m. to 9:00 a.m. and
From 3:00 p.m. to 6:00 p.m.

Thirty-eighth Street, on both sides, from Capitol Avenue to Fall Creek Parkway;

ON ANY DAY EXCEPT SUNDAY
From 7:00 a.m. to 9:00 a.m.

Thirty-eighth Street, on both sides, from Emerson Avenue to Clarendon Road;

**ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS**
From 6:00 a.m. to 9:00 a.m.

Thirty-eighth Street, on the north side, from Clarendon Street to Capitol Avenue;
Thirty-eighth Street, on the south side, from Boulevard Place to Capitol Avenue;

**ON ANY DAY EXCEPT
SATURDAYS AND SUNDAY**
From 3:00 p.m. to 6:00 p.m.

Thirty-eighth Street, on the north side, from Clarendon Street to Capitol Avenue;
Thirty-eighth Street, on the south side, from Boulevard Place to Capitol Avenue;

**ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS**
From 4:00 p.m. to 6:00 p.m.

Thirty-eighth Street, on both sides, from Clarendon Road to Fall Creek Parkway,
North Drive;

Thirty-eighth Street, on the south side, from Fall Creek Parkway, North Drive to
Emerson Avenue;

**ON ANY DAY EXCEPT
SATURDAYS, SUNDAYS OR HOLIDAYS**
From 4:00 p.m. to 6:00 p.m.

Thirty-eighth Street, on both sides, from Clarendon Road to Sherman Drive.

SECTION 4. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-272, Parking time restricted on designated days, be and the same is hereby amended by the deletion of the following, to wit:

NINETY MINUTES
ON ANY DAY EXCEPT SUNDAY
From 9:00 a.m. to 4:00 p.m.

Thirty-eighth Street, on both sides, from Broadway Street to Carrollton Avenue;
Thirty-eighth Street, on both sides, from Capitol Avenue to Washington Boulevard.

SECTION 5. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-283, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

ONE HOUR

Thirty-eighth Street, on both sides, from Broadway to Carrollton Avenue;

Thirty-eighth Street, on both sides, from Meridian Street to Kenwood Avenue, except that portion thereof on the south side of Thirty-eight Street from a point 118 feet west of the west curbline of Illinois Street to a point 175 feet west of the curbline.

SECTION 6. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Thirty-eighth Street, on both sides, from Dandy Trail to County Line Road, East.

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

CITY-COUNTY GENERAL ORDINANCE NO. 40, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the deletion of the following, to wit:

Fifty-sixth Street, from Brendon Way to Franklin Road, 40 MPH; and

Fifty-sixth Street, from Emerson Way to Brendon Way, South Drive/Old Colony Road, 35 MPH.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

Knollton Road, from Kessler Boulevard, West Drive to Forty-fourth Street, 35 MPH.

Fifty-sixth Street, from Keystone Avenue to Emerson Way, 35 MPH.

Fifty-sixth Street, from Emerson Way to Franklin Road, 40 MPH.

Seventy-first Street, from Meridian Street to College Avenue, 35 MPH.

Eighty-sixth Street, from Allisonville Road to Center Run Road, 40 MPH.

Eighty-eighth Street, from Lafayette Road to Moore Road, 35 MPH.

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

CITY-COUNTY GENERAL ORDINANCE NO. 41, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the deletion of the following, to wit:

Harding Street, from Interstate 465 to Raymond Street, 40 MPH.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

Harding Street, from Interstate 465 to Kentucky Avenue, 40 MPH; and

Harding Street, from Kentucky Avenue to Oliver Street, 35 MPH.

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

CITY-COUNTY GENERAL ORDINANCE NO. 42, 1984

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

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

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

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|------------------------------|---------------------|------------------------|
| 6, Pg. 1 | Center Run Rd. & 82nd St. | | SIGNAL |

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

CITY-COUNTY GENERAL ORDINANCE NO. 43, 1984

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

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

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

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|------------------------------|---------------------|------------------------|
| 25, Pg. 6 | Central Av. & E. 13th St. | | SIGNAL |
| 25, Pg. 6 | Central Av. & E. 13th St. | | SIGNAL |

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

| BASE MAP | INTERSECTION | PREFERENTIAL | TYPE OF CONTROL |
|-----------|---------------------------|--------------|-----------------|
| 25, Pg. 6 | Central Av. & 13th St. | Central Av. | STOP |

SECTION 3. This ordinance 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 before any of the special service district councils, none of the special service district councils convened.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 6:30 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and the Indianapolis Police, Fire and Solid Waste Special Service District Councils on the 9th day of July, 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)