

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

**REGULAR MEETINGS - MONDAY, AUGUST 6, 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 7:08 p.m., on Monday, August 6, 1984, with Councillor SerVaas presiding.

The meeting was opened with a prayer and the Pledge of Allegiance to the Flag by Councillor William A. Dowden.

**ROLL CALL**

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

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

*ABSENT: Page*

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

**INTRODUCTION OF GUESTS**

Councillor West introduced Mrs. Marsha Icenogle and Miss Tina Icenogle, the wife and daughter of Senior Fiscal Analyst Roy C. Icenogle and a foreign exchange student from France living with the Icenogle's, Miss Caroline Chiffre.

**OFFICIAL COMMUNICATIONS**

President SerVaas explained that tonight the Council would see the introduction of the budget for 1985. As is usual Mayor William H. Hudnut, III and County

Auditor Harry E. Eakin had requested to speak to the Council on this matter. The President recognized Mayor Hudnut, who delivered the following remarks:

“Mr. President, Mr. Majority Leader, Mr. Minority Leader, Members of the City-County Council, ladies and gentlemen:

“It is my annual duty as Mayor of the City of Indianapolis to present to the Council a budget proposal for the City of Indianapolis for the coming year and a general overview of the conditions of the City. Tonight, I am presenting a City budget proposal for 1985 that represents a net dollar increase and property tax increase of less than 5 percent each over 1984. The County Auditor will follow with his presentation of the County’s needs, and you are receiving the municipal corporation budgets submitted independently.

“The national rate of inflation has cooled dramatically this year. But this budget struggles to keep pace with those inflationary pressures while moving forward with a heavily packed agenda for the delivery of basic City services and for the ongoing growth and improvements in our downtown and neighborhoods. The concept that finances are tight in City government may be a cliché, but it is definitely true. Funding for City services has become tougher each year because revenue shortfalls and reductions in federal and state aid are coupled with climbing expenditures caused by inflation. Like every citizen who has been sharpening the pencil to balance his or her checkbook, the City has been hard pressed to make ends meet. For example, the Parks and Recreation Department’s employee roster has shrunk from 810 full-time workers nine years ago to a proposed 325 workers next year. And the Department of Transportation has dropped from 750 to 430 since 1974. The City has about 4,450 workers now which means we are providing much more service to our citizens with 20 percent fewer full-time employees than when I took office in 1976.

“As we contemplate this 1985 budget, we will see that little has changed on the operating expense side of the ledger because relatively little new money will be available there in comparison to the need. Even the highest priority of day-to-day responsibility of local government -- specifically police and fire protection -- continues on a monetary diet.

“During the General Assembly session earlier this year, the legislature heard the pleas of local governments for a Local Option Tax package. While it was not the most ideal package from our perspective, we are grateful because it does finally give us a little financial flexibility. I would like to take this opportunity to thank the legislature for its courage in adopting the local

option package and for providing local government with a means to shift some of the tax burden off the back of the property taxpayer. This City-County Council, with foresight and courage, has already enacted some sorely needed portions of that local option tax package. I am confident the Council will fairly assess the Cumulative Capital Development Fund proposals now before you.

“Our budget proposal for 1985 calls for spending of \$342,397,942, an increase of \$29.9 million from 1984 actual spending, or 9.6 percent. However, as the Councillors may recall from previous years, several areas of the budget are actually counted twice, meaning a few items are double-budgeted to comply with statutory accounting requirements. For example, the operations of the Central Garage or the expenditure of Community Development Block Grants for downtown and neighborhood projects are counted first by one department receiving the funds and then again by another when the money is actually spent. About \$56.5 million is double-budgeted in the 1985 proposal. So, if you back out the figures for items that are double-budgeted or re-budgeted, the increase in the budget from 1984 (revised) to 1985 is approximately \$263 million to \$276 million. Put another way, next year’s City budget is up only 4.97 percent.

“The lion’s share of the \$29.9 million increase for 1985, specifically \$22 million, involves one-time federal grants for economic development projects downtown and in the neighborhoods and for increases for Department of Public Works projects. These federal grant monies for development projects and job creation account for nearly three-quarters of the total budget increase.

“Property tax rates to help fund a part of the City’s proposed 1985 budget will increase about 4.6 percent, from \$4.48 per \$100 of assessed valuation this year to about \$4.68 next year. That twenty-cent (\$.20) rate increase includes five cents (\$.05) permitted the City for the new cumulative building funds, and about a penny (\$.01) for the sinking funds and fourteen cents (\$.14) for City operations. No excess levies are requested!

“The assessed valuation used in building this City budget is the same as the one used by the County. The proposed levy is up by just four percent (4%). I feel strongly that we should not exceed that level even though the new Local Option Tax law allows us to raise property taxes further by increasing the levy by five percent (5%). Property tax restraint must be our resolve.

“As every year, our first obligation is to provide basic City services. And once again, funding for public safety at \$89.3 million is our highest priority. We are proposing that all City general Revenue Sharing dollars be allocated again to the Public Safety budgets. We contemplate no lay-offs and no reduction of service.

We are also proud that through the outstanding leadership of Public Safety Director Richard Blankenbaker and Police Chief Joseph McAtee, we have more police on the streets today than we had eight years ago even though our authorized strength has decreased. The Director is asking for money to pay at least ten more police officers to maintain high visibility neighborhood patrols while manpower is needed for the increasing number of special events downtown. And we are trying a new concept for Indianapolis, a police precinct-style station on Madison Avenue which will reuse a vacant fire station and move police protection a step closer to the citizens we serve.

“Our fire department has the best emergency response time of any fire department of our City’s size in the country. We still have one of the lowest crime rates in the nation, one that is substantially below the rate I inherited in 1976. And our police department’s success in finding missing children and adults is a national model. But that is of little solace to the victims of crime. Public Safety deserves the fullest measure of fair and reasonable funding that we and the taxpayers can afford.

“There is a long-term price to be paid for quality public safety services. Rapidly increasing police and fire pension costs will rise, next year alone, by some 9.5 percent. So we must subsidize our pension costs with operating funds, which in turn limits our authorized strength. This budget reflects our commitment, stated since May, that the City’s share of the local option income tax revenue in 1985 is dedicated to Public Safety pensions.

“A detailed actuarial study of our long-range police and fire pension requirements by the local firm of McCready & Keene is completed. Copies of the report will be made available this evening for review by the Council and the public. Essentially, the study bears out our earlier projections that a serious funding gap adding up to more than \$92 million will exist through 1995 if we sit by now and do nothing; and further, that even with the enactment of the local option income tax, the gap may not be entirely closed. Your vote on this matter was a remarkable exercise in fiscal responsibility.

“The Department of Transportation plans for the coming year include several major projects, even on the limited budget available to Director Fred Madorin. The cost of paving a two-lane mile is up to \$65,000. So we hope to resurface about 100 miles in 1985, which is about the same as this year. The one-way pairing of Washington and Maryland streets should be operational in 1985 when the relocation of Washington on the near-Westside is complete. DOT will begin re-construction of Allisonville Road as a four-lane divided street from 86th to 96th streets. And similar work will begin on 86th. Design plans and land acquisi-

tion should be done for the four-lane extension of Holt Road from 10th Street to Lafayette Road. An extra lane for 38th Street west from Lafayette Road and a new bridge over I465 should be completed. And DOT is pushing ahead on bridge repairs in many locations such as along South County Line Road.

"In the Parks Department, Director Art Strong will need the cooperation of all citizens in cutting our maintenance problems in the parks because money for operations is very short. Parks will need a share of the cumulative building funds. The actual Parks budget is down some \$100,000 for 1985. I'm not happy about that, but feel I have no recourse in commending it.

"Our role, for the Administration and the Council, is in making this 1985 budget work to provide the basic services within the context of flourishing free enterprise, to build and repair the infrastructure, to plant seed money that leverages private investment, and to encourage culture and a quality of life that is conducive to investment and growth.

"The cumulative building funds will be necessary for capital improvements such as drainage projects and roads and bridge repairs in all areas of the City and County. That money is needed for improvements in our parks and for the extension of sewers and other basic health and environmental protections. While cumulative building funds will help leverage and match federal money, such funds will not keep us completely out of the bond market. High on the list of such major projects which will require bonding in the near future will be the siting of a landfill in Marion County and the construction of a mass burn plant. Recommendations will be forthcoming to the Council on these items. While there may be some difficult issues and large expenses involved, we must recognize that all citizens of Indianapolis share responsibility for our environment. Furthermore, we must have control over our own liquid waste and solid trash disposal. This all can be done in an environmentally safe manner.

"In addition to public services, another priority reflected in the budget we are submitting for your consideration this evening has to do with community development in a broad sense--this is, job creation, neighborhood revitalization and downtown growth.

"Indianapolis has an unemployment rate reported at 7 percent for June which is below the statewide average of 8.3 percent. Those statistics show a great deal of improvement from a year or two ago, but we must keep up the full court press for job creation. The continued promotion of economic growth and diversification that will create more employment opportunities in the private sector and

"As required in your ordinance, we are presenting a balanced budget. In other words, we can identify revenues to sustain the recommended expenditures. In the County General level one budget, we have asked each agency to plan for no more than a 4% salary increase, and a 2% increase for non-personnel budgets. This averages out to be approximately 3.3% total increase in all budgets except two agencies. As you know, in 1985 the new jail expansion will come on-line. As a result, the Sheriff and Coroner budgets are increased substantially. This new jail was mandated on us, and we can scream about it and kick about it, but nevertheless, it must be funded, and this recommended budget provides for that. Part of this increase would not have been necessary if the Council, many years ago had not been forced to "save a million dollars", when the original jail was built. That "million dollar savings" is costing us dearly now. The overall level one budget is up 9.6%. In addition, there are requests for 4.6 million dollars in a level two budget, for which we cannot fund. If you decide to fund any of these options, cuts in other level one budgets will be necessary.

"The welfare budget continues to be a problem over which we have little or no control. First, they have asked for an 8% salary increase, and an increase in the number of personnel, all of which have been approved by the State Department of Public Welfare. Second, they are asking for an excessive levy of 6 million dollars for hospital care for the indigent. Of course, this will not be approved, but we must continue to impress upon the State, the seriousness of this problem of hospital care.

"In summing up this budget, we feel we have done a good job in "holding the line" on everything where we have some control; however, when you add the new jail (mandated by Federal Court), welfare payroll increases (dictated by the State) and the hospital care for the indigent (mandated by state legislation), we have a sizeable increase in the proposed budget.

"Without these items I have just mentioned, over which we have no control, we would not have an increase in the proposed tax rate in the operational budget for 1985.

"It is my belief that the county elected officials and department heads have done an excellent job in putting together this budget. However, I do not envy you as you start your deliberation. The Auditor's staff will assist this Council and its staff in any way possible in formulating the final budget.

"Good Luck!"

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

polis News proclaimed in some of the biggest type used since World War II: "City On A Hot Streak." Time magazine reported recently that "Indianapolis is feeling major league, and its residents have ample reason for civic pride." And The Detroit Free Press observed that "the coming of the Colts finally is making people across the nation turn their heads and notice that something dramatic has happened to...Indianapolis." Since then, that public-private partnership I mentioned has also landed the prestigious Hudson Institute for Indianapolis. Reporters seem to stream here endlessly to see our City. And when they go home, they ask why their communities don't have a Domed Stadium or revitalized cultural opportunities or a steadily declining crime rate or a Union Station renovation or an Eagle Creek Park or a good change for the 1987 Pan American Games or active neighborhood programs or prospects for an urban jewel like our White River Park. Indianapolis is blooming! Indianapolis is fighting back against the sun belt and the rust belt, and we are winning!

"You on the City-County Council have a difficult job ahead to make this 1985 budget fit comfortably without pinching the toes of our City. It was not easy on our side to prepare this recommended budget, and it won't be easy on your side. There will be some give and take, I am sure. But I pledge to you that the Administration will work closely with you over the next month or so of your committee reviews. And I am confident that the end product will be a budget for next year that will serve well the citizens of this great City.

"Thank you."

The President recognized the County Auditor, Mr. Harry F. Eakin, who addressed the Council concerning the county portion of the 1985 budget as follows:

"Mr. President and Ladies and Gentlemen of the Council:

"This is the sixth time I have had the privilege of presenting the Marion County Budget to this legislative body, and you would think by this time this task would get easier. Quite the contrary! In spite of the fact that the state legislature has given local government some alternatives in funding local budgets, and in spite of the fact that this body has accepted the income taxes with homestead credit, this budget has been extremely "tough" to pull together. There is no question in my mind without the income taxes we would have had to make substantial cuts in services to the residents of Marion County. However, with this budget as presented to you, all agencies should be able to do the statutory duties they are required to do.

“As required in your ordinance, we are presenting a balanced budget. In other words, we can identify revenues to sustain the recommended expenditures. In the County General level one budget, we have asked each agency to plan for no more than a 4% salary increase, and a 2% increase for non-personnel budgets. This averages out to be approximately 3.3% total increase in all budgets except two agencies. As you know, in 1985 the new jail expansion will come on-line. As a result, the Sheriff and Coroner budgets are increased substantially. This new jail was mandated on us, and we can scream about it and kick about it, but nevertheless, it must be funded, and this recommended budget provides for that. Part of this increase would not have been necessary if the Council, many years ago had not been forced to “save a million dollars”, when the original jail was built. That “million dollar savings” is costing us dearly now. The overall level one budget is up 9.6%. In addition, there are requests for 4.6 million dollars in a level two budget, for which we cannot fund. If you decide to fund any of these options, cuts in other level one budgets will be necessary.

“The welfare budget continues to be a problem over which we have little or no control. First, they have asked for an 8% salary increase, and an increase in the number of personnel, all of which have been approved by the State Department of Public Welfare. Second, they are asking for an excessive levy of 6 million dollars for hospital care for the indigent. Of course, this will not be approved, but we must continue to impress upon the State, the seriousness of this problem of hospital care.

“In summing up this budget, we feel we have done a good job in “holding the line” on everything where we have some control; however, when you add the new jail (mandated by Federal Court), welfare payroll increases (dictated by the State) and the hospital care for the indigent (mandated by state legislation), we have a sizeable increase in the proposed budget.

“Without these items I have just mentioned, over which we have no control, we would not have an increase in the proposed tax rate in the operational budget for 1985.

“It is my belief that the county elected officials and department heads have done an excellent job in putting together this budget. However, I do not envy you as you start your deliberation. The Auditor’s staff will assist this Council and its staff in any way possible in formulating the final budget.

“Good Luck!”

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, August 6, 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

July 24, 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 July 26, 1984, and August 2, 1984, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 410, 1984, to be held on Monday, August 6, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

July 27, 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. 55, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating One Hundred Two Thousand Seventy-four Dollars (\$102,074) in the Consolidated County Fund for purposes of the City-County Council and reducing certain other appropriations for that office and the Department of Administration, Central Equipment Management Division.

FISCAL ORDINANCE NO. 56, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the Juvenile Probation Fees Fund for purposes of the Marion County Superior Court - Juvenile Division and reducing the unappropriated and unencumbered balance in the Juvenile Probation Fees Fund.

GENERAL ORDINANCE NO. 45, 1984, amending the "Code of Indianapolis and Marion County Indiana", Section 29-267, Parking prohibited at all times on certain streets, Section 29-268, Stopping, standing and parking prohibited at all times on certain designated streets and Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours.

**GENERAL ORDINANCE NO. 46, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 47, 1984, amending the "Code of Indianapolis and Marion County Indiana", Section 29-267, Parking prohibited at all times on certain streets, Section 29-268, Stopping, standing and parking prohibited at all times on certain designated streets and Section 29-270, Parking prohibited during specified hours on certain days, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, and Section 29-283, Parking meter zones designated.**

**GENERAL ORDINANCE NO. 48, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-266, Special parking privileges for certain persons or vehicles in certain locations, and Section 29-283, Parking meter zones designated.**

**GENERAL ORDINANCE NO. 49, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.**

**SPECIAL ORDINANCE NO. 34, 1984, authorizing the issuance and sale of bonds by the Board of Commissioners of the County of Marion for the purpose of making a loan to procure funds necessary to be advanced by said County to Center Township for poor relief purposes.**

**SPECIAL ORDINANCE NO. 35, 1984, creating a Municipal Capital Development Fund.**

**SPECIAL ORDINANCE NO. 36, 1984, creating a County Capital Development Fund.**

**SPECIAL ORDINANCE NO. 37, 1984, approving an Amendment to the Franchise Contract between the City of Indianapolis, Indiana, and American Cablevision of Indianapolis, Inc., amending the franchise territory by deleting certain "Included Towns" and amending the indemnification provisions of the Franchise Contract.**

**GENERAL RESOLUTION NO. 5, 1984, approving a Confirmatory Resolution of the Board of Public Works of the City of Indianapolis, Indiana and approving the issuance of "City of Indianapolis Sanitary District Bonds of 1984" in the amount of Twenty-nine Million Two Hundred Sixty-five Thousand Dollars (\$29,265,000).**

**SPECIAL RESOLUTION NO. 64, 1984, commemorating the "Indiana Dream."**

**SPECIAL RESOLUTION NO. 65, 1984, concerning approval of capital development funds.**

**SPECIAL RESOLUTION NO. 66, 1984, endorsing pursuing a unified program to dispose of sludge and solid waste in Indianapolis.**

Respectfully submitted,

s/William H. Hudnut, III

July 27, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
SOLID WASTE SPECIAL SERVICE DISTRICT 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 Solid Waste Special Service District, Mrs. Beverly S. Rippv, the following ordinance:

**FISCAL ORDINANCE NO. 2, 1984, amending the Solid Waste Special Service District Annual Budget for 1984 (S.W.S.S.D. Fiscal Ordinance No. 3, 1983) transferring and appropriating Ten Thousand Dollars (\$10,000) in the Solid Waste Special Service District Fund for purposes of the Department of Public Works, Solid Waste Division and reducing certain other appropriations for that division.**

Respectfully submitted,

s/William H. Hudnut, III

### 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 August 6, 1984.

### APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journals of May 10, 1984 and May 21, 1984. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 443, 1984. Introduced and read by Councillor Strader, this proposal commends the Task Force on Public Housing. Councillor Stewart explained that the Task Force presented their report to the Community Affairs Committee on August 2, 1984. There will be two more joint committee hearings to discuss this report. Councillor Strader moved, seconded by Councillor Stewart for adoption. Proposal No. 443, 1984, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 67, 1984, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 67, 1984

**A SPECIAL RESOLUTION commending the Task Force On Public Housing.**

**WHEREAS, the Task Force On Public Housing was established to review and report back to the City-County Council on many matters of concern regarding public housing in Marion County; and**

**WHEREAS, the Task Force spent countless hours reviewing the general management, maintenance procedures, and high vacancy rates associated with public housing in Marion County together with numerous other points of concern; and**

**WHEREAS, over the past six (6) months the Task Force has conducted on site investigations and held many public hearings in fulfilling their task; and**

WHEREAS, the Task Force On Public Housing is a group of private citizens who have performed their work as concerned members of our community; now, therefore:

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

**SECTION 1.** The City-County Council commends Mr. Rexford Early, Mr. A. D. Ford, Mr. Roderick Bohannan, Mr. Sam Jones, Mr. Charles Pechette, Mr. Charles Rogers, Ms. Jean Wojtowicz, and Mr. Robert Cross for their time and dedication to the Task Force On Public Housing.

**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.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 426, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$7,300 for the Treasurer to purchase microcomputer equipment"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 427, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$31,505 for the Marion County Healthcare Center for the payment of medical services and adjusting the personnel schedule"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 434, 1984. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE for a final bond ordinance authorizing the issuance of \$435,000 Economic Development Revenue Bonds for John E. Kahelin and Elma H. Kahelin"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 437, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$340 for the Superior Court, Civil Division - Room 2 to purchase office equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 438, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$100 for the Law Library for the cost of dues and subscriptions"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 439, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$22,000 for the Juvenile Detention Center for the renovation of rest rooms"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 440, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Arlie Ulrich to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 441, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Robert Daly to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 442, 1984. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Louis Gerig to the Indianapolis Public Transportation Corporation Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 444, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE creating the annual budget for the Consolidated City of Indianapolis and of Marion County, Indiana for 1985"; and the President referred it to the Various Committees.

PROPOSAL NO. 445, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the creating the annual budget for the Police Special Service District for 1985"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 446, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the creating the annual budget for the Fire Special Service District for 1985"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 447, 1984. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the creating the annual budget for the Solid Waste Special Service District for 1985"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 448-452, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 3, 1984". No action was taken by the Council, and the proposals were deemed adopted. Proposal Nos. 448-452, 1984, were retitled REZONING ORDINANCE NOS. 128-132, 1984, and read as follows:

**REZONING ORDINANCE NO. 128, 1984 84-Z-104 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1 (84-DP-6)  
350 WEST 86TH STREET, INDIANAPOLIS**

Lenard H. Wolfson and Jack Maurer, by Walter E. Wolf, Jr., request rezoning of 4.01 acres, being in the D-2 district, to the D-P classification, to provide for a planned unit development consisting of 14 cluster dwellings containing 1900 square feet minimum of living area, an attached two car garage and an atrium.

**REZONING ORDINANCE NO. 129, 1984 84-Z-106 Amended LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 11  
5960 EAST 38TH STREET, INDIANAPOLIS**

The Grinslade Company, by William F. LeMond, requests rezoning of 0.54 acre, being in the D-5 district, to the C-4 classification, to provide for commercial use.

**REZONING ORDINANCE NO. 130, 1984 84-Z-123 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
1609 EAST SOUTHPORT ROAD, INDIANAPOLIS**

Charles H. and Rosetta M. Paul, by John W. Tousley, request rezoning of 0.71 acre, being in the A-2 district, to the D-6 classification, to provide for construction of an addition to the existing garage to be used as a residence with a total of three residences on the site.

**REZONING ORDINANCE NO. 131, 1984 84-Z-124 DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19  
3660 KENTUCKY AVENUE, INDIANAPOLIS**

Sandlian Realty Company, by William F. LeMond, requests rezoning of 3.48 acres, being in the I-3-S district, to the C-S classification, to provide for mini-warehouses including a resident manager's office.

**REZONING ORDINANCE NO. 132, 1984 84-Z-126 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 16  
540 NORTH ALABAMA STREET, INDIANAPOLIS**

The Salvation Army, by Stephen A. Backer, requests rezoning of 0.91 acre, being in the C-S district, to the SU-7 classification, to conform zoning to its use as a Salvation Army lodging facility and family services center and to provide for an addition to the emergency lodge facility with said addition including dining, recreation, lodging and office facilities.

PROPOSAL NO. 428 and 429, 1984. Proposal No. 428, 1984, a special ordinance designating the parcel of land commonly known as 2300 Southeastern Avenue as an economic development target area. Proposal No. 429, 1984, an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Brylane, Inc. or an entity affiliated with Brylane, Inc. in an amount not to exceed \$10,000,000. Proposal No. 428 and 429, 1984, were recommended Do Pass by a vote of 6-0 on August 1, 1984, by the Economic

Development Committee. Councillor Schneider reported that the project is to construct a 165,000 square foot addition to the existing facility and this will serve to expand their national distribution center operations. The total cost of the project is estimated at \$11,194,000, with approximately \$6 million for building costs and \$5,194,000 for equipment. Brylane, Inc. currently employs 1,085 persons with \$13,187,317 in annual payroll. The estimated number of additional employment positions at the end of one year total 57 jobs with \$593,800 in additional payroll to the community. The three-year employment estimate is 188 jobs with \$1,872,000 in additional payroll. Councillor Schneider moved, seconded by Councillor Rader for adoption of Proposal No. 428, 1984. Proposal No. 428, 1984, 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, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
NO NAYS

2 NOT VOTING: *Cottingham, Page*

Proposal No. 428, 1984, was retitled SPECIAL ORDINANCE NO. 38, 1984, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 38, 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 reservation 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 August 1, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 2300 Southeastern Avenue, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

Part of the East half of the Northeast Quarter of Section 7, Township 15 North, Range 4 East, Marion County, Indiana, bounded and described as follows:

Beginning at a point in the westerly line of Keystone Avenue, 40.0 feet wide, said westerly line of Keystone Avenue being the line dividing Section 7 on the West from Section 8 on the East, both in Township 15 North, Range 4 East, and at the south-easterly corner of the parcel of land 170.0 feet wide and containing 5.179 acres, more or less, which has been conveyed by the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company to the Cincinnati, Indianapolis and Western Railroad Company by deed bearing date of March 1, 1928; running thence South 0 degrees on the West property line of Keystone Avenue, said line being coincident with the line dividing Section 7 on the West from Section 8 on the East, both in Township 15 North, Range 4 East, and making an interior angle of 86 degrees 13 minutes 45 seconds measured (86 degrees 14 minutes by Deed) with the last calling of the description a distance of 1129.25 feet to a point on the North property line of Southeastern Avenue, said Southeastern Avenue being 70.0 feet wide, extending 35.0 feet on either side of the centerline; thence deflecting 109 degrees 29 minutes 30 seconds to the right in a northward direction on and along the North property line of Southeastern Avenue bearing North 70 degrees 30 minutes 30 seconds West (North 69 degrees 6 minutes 26 seconds West by Deed) a distance of 1416.60 feet to a point on the prolongation southwardly of the Easterly line of an alley 10.0 feet wide in Parkside Addition; thence deflecting 70 degrees 22 minutes 45 seconds measured to the right in a northwardly direction bearing North 0 degrees 7 minutes 45 seconds West (North 0 degrees 20 minutes 0 seconds West by Deed) along said prolongation of the East line of the said alley and the East line of the said alley and the prolongation northward of the said alley a distance of 612.30 feet to a point at the southwesterly corner of said parcel of land 170.0 feet wide and containing 5.179 acres, more or less, which has been conveyed by the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company to the Cincinnati, Indianapolis and Western Railroad Company by deed dated March 1, 1928, said point being on the South right of way line of the Baltimore and Ohio Railroad; running thence eastward on a curve to the left, said curve having a radius of 9826.6 feet computed (9761 feet by Deed) a distance of 929.0 feet to a point; the tangent to the said curve making an interior angle with the aforescribed alley of 88 degrees 13 minutes 30 seconds measured (88 degrees 11 minutes 55 seconds by Deed); thence North 86 degrees 13 minutes 45 seconds East measured (85 degrees 54 minutes 0 seconds East by Deed) northeastward on the tangent to the last described curve a distance of 409.50 feet to the point of beginning. Containing 26.632 acres, more or less.

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 2300 Southeastern Avenue, Indianapolis, Indiana, which is more specifically described as:

Part of the East half of the Northeast Quarter of Section 7, Township 15 North, Range 4 East, Marion County, Indiana, bounded and described as follows:

Beginning at a point in the westerly line of Keystone Avenue, 40.0 feet wide, said westerly line of Keystone Avenue being the line dividing Section 7 on the West from Section 8 on the East, both in Township 15 North, Range 4 East, and at the southeasterly corner of the parcel of land 170.0 feet wide and containing 5.179 acres, more or less, which has been conveyed by the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company to the Cincinnati, Indianapolis and Western Railroad Company by deed bearing date of March 1, 1928; running thence South 0 degrees on the West property line of Keystone Avenue, said line being coincident with the line dividing Section 7 on the West from Section 8 on the East, both in Township 15 North, Range 4 East, and making an interior angle of 86 degrees 13 minutes 45 seconds measured (86 degrees 14 minutes by Deed) with the last calling of the description a distance of 1129.25 feet to a point on the North property line of Southeastern Avenue, said Southeastern Avenue being 70.0 feet wide, extending 35.0 feet on either side of the centerline; thence deflecting 109 degrees 29 minutes 30 seconds to the right in a northwestward direction on and along the North property line of Southeastern Avenue bearing North 70 degrees 30 minutes 30 seconds West (North 69 degrees 6 minutes 26 seconds West by Deed) a distance of 1416.60 feet to a point on the prolongation southwardly of the Easterly line of an alley 10.0 feet wide in Parkside Addition; thence deflecting 70 degrees 22 minutes 45 seconds measured to the right in a northwardly direction bearing North 0 degrees 7 minutes 45 seconds West (North 0 degrees 20 minutes 0 seconds West by Deed) along said prolongation of the East line of the said alley and the East line of the said alley and the prolongation northward of the said alley a distance of 612.30 feet to a point at the southwest corner of said parcel of land 170.0 feet wide and containing 5.179 acres, more or less, which has been conveyed by the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company to the Cincinnati, Indianapolis and Western Railroad Company by deed dated March 1, 1928, said point being on the South right of way line of the Baltimore and Ohio Railroad; running thence eastward on a curve to the left, said curve having a radius of 9826.6 feet computed (9761 feet by Deed) a distance of 929.0 feet to a point; the tangent to the said curve making an interior angle with the afordescribed alley of 88 degrees 13 minutes 30 seconds measured (88 degrees 11 minutes 55 seconds by Deed); thence North 86 degrees 13 minutes 45 seconds East measured (85 degrees 54 minutes 0 seconds East by Deed) northeastward on the tangent to the last described curve a distance of 409.50 feet to the point of beginning. Containing 26.632 acres, more or less.

meets the requirement imposed by I.C. 36-7-12-2, as amended of having ". . . become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration 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. 429, 1984. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 429, 1984, was adopted on the following roll call vote; viz:

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

4 NOT VOTING: *Cottingham, Dowden, Gilmer, Page*

Proposal No. 429, 1984, was retitled SPECIAL RESOLUTION NO. 68, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 68, 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, Brylane, Inc., a Delaware corporation or an entity affiliated with Brylane, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of an addition containing approximately 165,000 square feet to the Company's existing facility and the machinery and equipment to be installed therein plus certain site improvements located at 2300 Southeastern Avenue, Indianapolis, Indiana which will be used by the Company as a catalog distribution center for the Company's mail order business in women's apparel (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 57 at the end of one year and 180 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and 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 amount not to exceed Ten Million Dollars (\$10,000,000) under the Act to be privately placed subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended and subject to the Project receiving an Urban Development Action Grant pursuant to Section 119 of the Housing Development Act of 1974 for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Brylane, Inc., a Delaware corporation or an entity affiliated with Brylane, 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 and subject to the further caveat that this inducement resolution expires December 31, 1984 unless such bonds have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of this inducement resolution.

**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 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. 430 and 431, 1984. Proposal No. 430, 1984, a special ordinance

designating the parcel of land commonly known as the southeast corner of the intersection of South New Jersey Street and Pearl Street as an economic development target area. Proposal No. 431, 1984, an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Indianapolis Heliport Corporation in an approximate amount of \$1,600,000. Proposal No. 430 and 431, 1984, were recommended Do Pass by a vote of 6-0 on August 1, 1984, by the Economic Development Committee. Councillor Schneider explained that the project is to construct 1) a 6,000 square foot hanger space; 2) a 6,000 square foot maintenance bay; 3) a 20-30 seat cafeteria lounge; 4) 2,500 square feet of retail space; 5) a common lobby area; and 6) public parking. The 5.5 acre site is owned by the Indianapolis Airport Authority. The total cost of the project is estimated at \$2,400,000, with approximately \$1,440,000 for building space, \$208,000 for equipment and \$752,000 other contingencies. Approximately \$800,000 of total cost of the project will be contributed from company equity and \$1,600,000 from revenue bond proceeds. The estimated number of additional employment positions at the end of one year total 20 jobs with \$521,928 in additional payroll to the community. The three-year employment estimate is 30 jobs with \$833,952 in additional payroll. Councillor Schneider moved, seconded by Councillor Stewart for adoption of Proposal No. 430, 1984. Proposal No. 430, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: *Nickell, Page, West*

Proposal No. 430, 1984, was retitled SPECIAL ORDINANCE NO. 39, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 39, 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 August 1, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as the southeast corner of the intersection of South New Jersey Street and Pearl Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

A part of the Northwest Quarter and part of the Northeast Quarter of Section 12, Township 15 North, Range 3 East in Center Township, Marion County, Indiana, being a part of Square 61, Square 62, Square 79, Square 80, and Out Lots 82, 83 and 84 in the City of Indianapolis (and also being designated as Parcel 1.D. No. INF - on Railroad Valuation Map No. being the land of the Chicago, Indianapolis and Louisville Railway Company, more particularly described as follows:

Commencing at the intersection of the south line of Washington Street and the west line of Liberty Street (now Park Avenue); thence South 0 degrees 01 minutes 33 seconds West (assumed bearing) 179.340 along west line of Liberty Street to a point in the south line of the Chicago, Indianapolis and Louisville Railroad and the Point of Beginning; (next 3 courses along said south line) thence South 73 degrees 02 minutes 20 seconds West 673.330 feet to point of curvature of a tangent curve; thence Southwesterly 285.410 feet along said curve concave to the northwest having a radius of 954.63 feet and subtended by a long chord bearing South 81 degrees 36 minutes 13 West 284.350 feet; thence North 89 degrees 49 minutes 55 seconds West 514.740 feet to a point in the east line of Alabama Street; thence North 0 degrees 12 minutes 32 seconds East 93.000 feet; thence South 89 degrees 49 minutes 55 seconds East

209.970 feet; thence North 0 degrees 12 minutes 36 seconds East 12.000 feet; thence South 89 degrees 49 minutes 55 seconds East 254.970 feet; thence North 0 degrees 12 minutes 27 seconds East 100.000 feet; thence South 89 degrees 49 minutes 55 seconds East 464.054 feet to a point in the west line of East Street (on the east face of an existing concrete retaining wall); thence South 0 degrees 17 minutes 36 seconds East 39.464 feet along West line of East Street; thence North 76 degrees 45 minutes 56 seconds East 13.327 feet along north face of existing concrete retaining wall (elevated above East Street); thence North 80 degrees 45 minutes 30 seconds East 76.793 feet along said retaining wall to a point in the east line of East Street (also, at the west face of a concrete retaining wall - following sixteen (16) courses along said concrete retaining wall); thence North 2 degrees 10 minutes 42 seconds East 24.100 feet; thence South 89 degrees 48 minutes 13 seconds East 105.328 feet; thence South 2 degrees 11 minutes 16 seconds East 1.781 feet; thence South 89 degrees 38 minutes 56 seconds East 104.948 feet; thence North 76 degrees 56 minutes 40 seconds East 25.494 feet; thence North 73 degrees 04 minutes 30 seconds East 53.335 feet; thence North 75 degrees 50 minutes 54 seconds East 35.134 feet; thence North 77 degrees 04 minutes 43 seconds East 41.013 feet; thence North 74 degrees 17 minutes 52 seconds East 21.457 feet; thence South 1 degree 25 minutes 21 seconds West 2.417 feet; thence North 68 degrees 57 minutes 00 seconds East 22.000 feet; thence North 0 degrees 44 minutes 36 seconds East 5.319 feet; thence North 71 degrees 00 minutes 22 seconds East 51.464 feet; thence North 65 degrees 58 minutes 43 seconds East 67.115 feet; thence North 54 degrees 04 minutes 39 seconds East 43.138 feet; thence South 0 degrees 39 minutes 20 seconds West 4.020 feet to a point in the north line of the Cleveland, Cincinnati, Chicago and St. Louis Railway; thence South 50 degrees 03 minutes 42 seconds West 139.130 feet along said north line; thence South 73 degrees 02 minutes 20 seconds West 12.800 feet to the Point of Beginning and containing 3.564 acres more or less. Together with an easement by Indianapolis Power and Light Company (Grantor) to Monon Railroad (Grantee) as set out and recorded in Misc. Rec. Vol. 1680, P. 640 (Instr. No. 80466) and described as follows: A strip of land 20 feet wide lying immediately west of and adjacent to the centerline of vacated New Jersey Street and running south from the south line of Pearl Street (extended) a distance of 90 feet.

Subject to all legal rights-of-way and easements of record.

now, therefore:

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

**SECTION 1.** It is hereby found that the parcel commonly known as the southeast corner of the intersection of South New Jersey Street and Pearl Street, Indianapolis, Indiana, which is more specifically described as:

A part of the Northwest Quarter and part of the Northeast Quarter of Section 12, Township 15 North, Range 3 East in Center Township, Marion County, Indiana, being a part of Square 61, Square 62, Square 79, Square 80, and Out Lots 82, 83 and 84 in the City of Indianapolis (and also being designated as Parcel 1.D. No. INF - on Railroad Valuation Map No. being the land of the Chicago, Indianapolis and Louisville Railway Company, more particularly described as follows:

Commencing at the intersection of the south line of Washington Street and the west line of Liberty Street (now Park Avenue); thence South 0 degrees 01 minutes 33 seconds West (assumed bearing) 179.340 along west line of Liberty Street to a point in the south line of the Chicago, Indianapolis and Louisville Railroad and the Point of Beginning; (next 3 courses along said south line) thence South 73 degrees 02 minutes 20 seconds West 673.330 feet to point of curvature of a tangent curve; thence South-westerly 285.410 feet along said curve concave to the northwest having a radius of 954.63 feet and subtended by a long chord bearing South 81 degrees 36 minutes 13 West 284.350 feet; thence North 89 degrees 49 minutes 55 seconds West 514.740 feet to a point in the east line of Alabama Street; thence North 0 degrees 12 minutes 32 seconds East 93.000 feet; thence South 89 degrees 49 minutes 55 seconds East

209.970 feet; thence North 0 degrees 12 minutes 36 seconds East 12.000 feet; thence South 89 degrees 49 minutes 55 seconds East 254.970 feet; thence North 0 degrees 12 minutes 27 seconds East 100.000 feet; thence South 89 degrees 49 minutes 55 seconds East 464.054 feet to a point in the west line of East Street (on the east face of an existing concrete retaining wall); thence South 0 degrees 17 minutes 36 seconds East 39.464 feet along West line of East Street; thence North 76 degrees 45 minutes 56 seconds East 13.327 feet along north face of existing concrete retaining wall (elevated above East Street); thence North 80 degrees 45 minutes 30 seconds East 76.793 feet along said retaining wall to a point in the east line of East Street (also, at the west face of a concrete retaining wall - following sixteen (16) courses along said concrete retaining wall); thence North 2 degrees 10 minutes 42 seconds East 24.100 feet; thence South 89 degrees 48 minutes 13 seconds East 105.328 feet; thence South 2 degrees 11 minutes 16 seconds East 1.781 feet; thence South 89 degrees 38 minutes 56 seconds East 104.948 feet; thence North 76 degrees 56 minutes 40 seconds East 25.494 feet; thence North 73 degrees 04 minutes 30 seconds East 53.335 feet; thence North 75 degrees 50 minutes 54 seconds East 35.134 feet; thence North 77 degrees 04 minutes 43 seconds East 41.013 feet; thence North 74 degrees 17 minutes 52 seconds East 21.457 feet; thence South 1 degree 25 minutes 21 seconds West 2.417 feet; thence North 68 degrees 57 minutes 00 seconds East 22.000 feet; thence North 0 degrees 44 minutes 36 seconds East 5.319 feet; thence North 71 degrees 00 minutes 22 seconds East 51.464 feet; thence North 65 degrees 58 minutes 43 seconds East 67.115 feet; thence North 54 degrees 04 minutes 39 seconds East 43.138 feet; thence South 0 degrees 39 minutes 20 seconds West 4.020 feet to a point in the north line of the Cleveland, Cincinnati, Chicago and St. Louis Railway; thence South 50 degrees 03 minutes 42 seconds West 139.130 feet along said north line; thence South 73 degrees 02 minutes 20 seconds West 12.800 feet to the Point of Beginning and containing 3.564 acres more or less. Together with an easement by Indianapolis Power and Light Company (Grantor) to Monon Railroad (Grantee) as set out and recorded in Misc. Rec. Vol. 1680, P. 640 (Instr. No. 80466) and described as follows: A strip of land 20 feet wide lying immediately west of and adjacent to the centerline of vacated New Jersey Street and running south from the south line of Pearl Street (extended) a distance of 90 feet.

Subject to all legal rights-of-way and easements of record.

meets the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration 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. 431, 1984. Councillor Schneider moved, seconded by Councillor Rader, for adoption. Proposal No. 431, 1984, was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Coughenour, Crowe, Curry, Durnil, Giffin, Holmes, Howard, Journey, McGrath, Miller, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader

NO NAYS

7 NOT VOTING: Cottingham, Dowden, Gilmer, Hawkins, Nickell, Page, West

Proposal No. 431, 1984, was retitled SPECIAL RESOLUTION NO. 69, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 69, 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, Indianapolis Heliport Corporation (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a facility which will include approximately: (1) 6,000 square feet/hanger space (2) 6,000 square feet/maintenance bay (3) 20-30 seat cafeteria lounge (4) retail office space/2,500 square feet (5) common lobby area, and (6) public parking all of which will be used by the Company in its operation of a heliport and the machinery and equipment to be installed therein plus certain site improvements to be located at the southeast corner of the intersection of South New Jersey Street and Pearl Street, Indianapolis, Indiana on approximately 5.5 acres of land leased from the Indianapolis Airport Authority (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 30 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and 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 \$1,600,000 under the Act subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended subject to \$800,000 equity being put into the Company and in turn into the Project by the Company, subject to financial statements being provided to and approved by the

Indianapolis Economic Development Commission prior to the public hearing required by I.R.C. Section 103(k) and subject to being privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Indianapolis Heliport Corporation (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, 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 and subject to the further caveat that this inducement resolution expires December 31, 1984 unless such bonds have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of this inducement resolution.

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. 432, 1984. This final bond ordinance authorizes the issuance of \$4,450,000 Economic Development Revenue Bonds for Turnverein Partners, Ltd. Councillor Schneider reported that the Economic Development Committee on August 1, 1984, recommended Do Pass by a vote of 6-0. The project is to renovate a vacant business structure located at 902 North Meridian Street. Approximately 56 residential apartments will be created. The company will also construct a 10,000 square foot addition to this structure. Councillor Schneider moved, seconded by Councillor Gilmer for adoption. Proposal No. 432, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Nickell, Page*

Proposal No. 432, 1984, was retitled SPECIAL ORDINANCE NO. 40, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 40, 1984**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond (Turnverein Partners Project)" in the principal amount of Four Million Four Hundred Fifty Thousand Dollars (\$4,450,000) 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 Turnverein Partners, Ltd., a partnership to be formed or another partnership or entity in which F. Lawrence Woods and Leo Stenz will be general partners and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on August 1, 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 Turnverein Partners, an Indiana General Partnership (the "Company") consisting of the acquisition, construction, renovation, installation and equipping of an existing building containing approximately 43,709 square feet plus construction of an approximately 10,000 square foot addition thereto and the machinery and equipment to be installed therein plus certain site improvements to be located at 902 North Meridian Street, Indianapolis, Indiana on approximately 0.6 acres of land which will be used for multi-family residential rental housing containing approximately 56 units (the "Project") which will be initially owned and operated by Turnverein Partners, an Indiana General Partnership complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement, Guaranty Agreements, Promissory Note, and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond (Turnverein Partners 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, renovation, installation and equipping of an existing building containing approximately 43,709 square feet plus construction of an approximately 10,000 square foot addition thereto and the machinery and equipment to be installed therein plus certain site improvements to be located at 902 North Meridian Street, Indianapolis, Indiana on approximately 0.6 acres of land Turnverein Partners previously approved by the Indianapolis Economic Development Commission

not presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Turnverein Partners, an Indiana General Partnership for the purposes of financing the economic development facilities being acquired, constructed, renovated, installed and equipped or to be acquired, constructed, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Turnverein Partners, an Indiana General Partnership will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

**SECTION 2.** The forms of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement, Guaranty Agreements, Promissory Note, and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bond (Turnverein Partners Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement, Guaranty Agreements, Promissory Note, and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bond (Turnverein Partners 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 Bond (Turnverein Partners Project) in the principal amount of Four Million Four Hundred Fifty Thousand Dollars (\$4,450,000) for the purpose of procuring funds to loan to Turnverein Partners, an Indiana General Partnership in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Turnverein Partners, an Indiana General Partnership on its Promissory Note in the principal amount of Four Million Four Hundred Fifty Thousand Dollars (\$4,450,000), which will be executed and delivered by Turnverein Partners, an Indiana General Partnership to evidence and secure said loan, and as otherwise provided in the above described Bond Purchase Agreement and Guaranty Agreements. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

**SECTION 4.** The City Clerk or City Controller are authorized and directed to sell such Bond to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest from the date of delivery thereof until July 31, 1989, at the rate of 9.75% per annum (the "Fixed Interest Rate"), and thereafter at the rate per annum equal to seventy-five percent (75%) of the prime rate quoted and announced by The Indiana National Bank, Indianapolis, Indiana, at its principal office from time to time (the "Variable Interest Rate"), and after payment of any principal installment is due, at the rate per annum equal to the interest rate then in effect on the Bond, plus 2%, except that (i) the interest rate on the Bond shall in no event exceed 30% per annum, (ii) in the event of a Determination of Taxability (as defined in the Loan Agreement, Mortgage and Security Agreement) the Bond shall bear interest at the Taxable Rate (as defined in the Loan Agreement, Mortgage and Security Agreement), and (iii) under certain circumstances, the Bond shall bear interest at the Adjusted Tax Exempt Rate as described in the Loan Agreement, Mortgage and Security Agreement.

**SECTION 5.** The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement, the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond (Turnverein Partners 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 Bond may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to the purchaser or purchasers thereof payment

for which will be made in the manner set forth in the Bond Purchase Agreement. The Mayor and City Clerk may by their execution of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement, the Endorsement to the Promissory Note, and imprinting of their facsimile signatures on the Bond or their manual signatures thereof approve changes therein and also in the Promissory Note and Guaranty Agreements without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

**SECTION 6.** The provisions of this ordinance and the Bond Purchase Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bond (Turnverein Partners Project) and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon remains unpaid.

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

PROPOSAL NO. 433, 1984. This final bond ordinance authorizes the issuance of up to \$6,500,000 Economic Development Revenue Bonds for Health Quest Realty XXI, an Indiana General Partnership. Councillor Schneider reported that the Economic Development Committee on August 1, 1984, recommended Do Pass by a vote of 6-0. The project is to construct and equip a single-story frame structure containing approximately 56,000 square feet and 150 beds to be used as a nursing home on the northwest quadrant of 82nd Street and Allisonville Road. The interest rate is payable semi-annually and is not to exceed 15%. Councillor Schneider moved, seconded by Councillor Stewart for adoption. Proposal No. 433, 1984, was adopted on the following roll call vote; viz:

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

2 NAYS: *Clark, Giffin*

3 NOT VOTING: *Gilmer, Page, Strader*

Proposal No. 433, 1984, was retitled SPECIAL ORDINANCE NO. 41, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 41, 1984**

**A SPECIAL ORDINANCE** authorizing the issuance and sale not exceeding \$6,500,000 of the Revenue Bonds of the City of Indianapolis, Indiana for the purpose of making a loan to Health Quest Realty XXI, in order to finance the acquisition and construction of certain economic development facilities located in Indianapolis, Indiana, to be used and occupied by Health Quest Management Corporation II D/B/A Regents Park of Castleton; authorizing execution of a Trust Indenture and Financing Agreement; providing for the delivery of an FHA-Insured Mortgage Note as security for said Bonds; and authorizing the terms and sale of the said Bonds and other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana, and by virtue of Indiana Code Title 36, Article 7, Chapter 12 (hereinafter called the "Act") is authorized and empowered to adopt this ordinance (the "Bond Ordinance") to carry out its provisions; and

WHEREAS, Health Quest Realty XXI, an Indiana General Partnership (the "Developer") has applied for financing of a project (the "Project"), consisting of the acquisition of land located in Indianapolis, Indiana, and the construction thereon and equipment of a building for use as a nursing home containing 150 skilled nursing and intermediate care beds; and

WHEREAS, the Developer intends to lease the Project to Health Quest Management Corporation II, an Indiana corporation doing business as Regents Park of Castleton (the "User"), pursuant to a lease agreement between the Developer and the User (the "Lease"); and

WHEREAS, the Project will provide additional employment opportunities and diversification of economic development facilities in Indianapolis, Indiana; and

WHEREAS, the plan of financing proposed by the Developer contemplates that the City would provide financing for the Project through the issuance of its bonds designated "City of Indianapolis, Indiana, Health Care Facilities Revenue Bonds Health Quest Realty XXI Issue (FHA Insured Mortgage), Series A" (the "Bonds"); and

WHEREAS, the bonds are to be issued under a Trust Indenture (the "Indenture") between the City and St. Joseph Bank and Trust Company, as Trustee (the "Trustee" and the proceeds of the Bonds are to be loaned to the Developer for payment of costs of the Project pursuant to a Financing Agreement between the City and the Developer (the "Financing Agreement"); and

WHEREAS, the Project is to be constructed by HealthQuest Development Corporation acting as general contractor, in accordance with the plans and specifications prepared by, and construction of the Project is to be supervised by, Korbuly-Graf, Inc., Architects, of South Bend, Indiana, pursuant to an agreement with the Developer; and

WHEREAS, the loan to be made to the Developer pursuant to the Financing Agreement is to be effected by the disbursement of funds from the proceeds of the Bonds by the Trustee and such funds are to be advanced to the Developer pursuant to a Building Loan Agreement between the Developer and the Trustee (the "Building Loan Agreement") and a Servicing Agreement (the "Servicing Agreement") between Blyth Eastman Paine Webber Health Care Funding, Inc. (the "Mortgage Banker") and the Trustee; and

WHEREAS, in order to provide the source of repayment of the Loan to be made pursuant to the Financing Agreement, the Developer will deliver to the Trustee a Mortgage Note in the principal amount of approximately \$4,500,000 (the "Note"), and a mortgage securing the Note constituting a first lien on the Project (the "Mortgage") and as further security for such loan, the Developer will execute and deliver to the Trustee, an assignment of all the Developer's right, title and interest in and to the Lease (the "Assignment of Lease"), and a Security Agreement granting a first lien on all fixtures and equipment in the Project (the "Security Agreement"); and

WHEREAS, the Developer expects that, in accordance with the terms of a commitment to be issued to the Mortgage Banker, and a Regulatory Agreement with the Developer (the "Regulatory Agreement"), the United States Secretary of Housing and Urban Development, acting through the Federal Housing Commissioner ("FHA") will agree to insure the advances of funds secured by the Mortgage, and that the Note will be endorsed for insurance by FHA pursuant to Section 232 of the National Housing Act, as amended, and the regulations thereunder; and

WHEREAS, pursuant to the Servicing Agreement, the payments required to be made by the Developer pursuant to the Note, Mortgage and Regulatory Agreement are to be collected by the Mortgage Banker and the Mortgage Bank will forward to the Trustee the payments of principal and interest on the Note, such payments to be applied to pay the principal of and interest on the Bonds; and

WHEREAS, following a duly held public hearing on August 1, 1984 the Indianapolis Economic Development Commission has adopted a resolution finding that the proposed financing of the Project complies with the purposes and provisions of the Act, and approving the final form of the Bonds, Financing Agreement, Servicing Agreement, and Indenture 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. Findings; Public Benefits.** The City-County Council of the City hereby finds and determines that the Project consisting of the acquisition, construction, installation and equipping of an approximately 56,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements to be located at the northwestern quadrant of the intersection of 82nd Street and Allisonville Road at or near 5100 East 82nd Street, Indianapolis, Indiana on approximately 7.02 acres of land which will be used as a 150 bed skilled nursing and intermediate care facility which will be initially owned by the Developer and operated by the User pursuant to a Lease Agreement and certain management services for the Project will be provided by Health Quest Corporation pursuant to a Management Agreement to be acquired and constructed with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; that acquisition and construction of the Project by the Developer, and the operation of the Project by the User, will increase employment opportunities and increase diversification of economic development facilities in the City, will improve and promote the health, economic stability, development and welfare in the City, will promote the expansion of industry, trade and commerce in the City; and that the public benefits to be accomplished by this Bond Ordinance, intending to overcome insufficient employment opportunities, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by the Project; and will not have an adverse competitive effect on similar facilities already constructed or operating in the City.

**SECTION 2. (a)** In order to pay a portion of the costs of acquiring and constructing the Project, the Bonds are hereby authorized to be issued, sold and delivered in an aggregate principal amount not exceeding \$6,500,000. The Bonds shall mature on or before August 1, 2014, shall bear interest at a rate not in excess of 15% and shall be sold at a purchase price of not less than 98% and not greater than 102% of the aggregate principal amount of the Bonds, plus accrued interest. Subject to the foregoing, the Bonds shall be sold to Paine Webber Incorporated and Herbert J. Sims & Co., Inc. (the "Purchasers") on such terms as may be agreed upon by the Developer and the Purchasers. The Mayor or Clerk of the City is hereby authorized to accept on behalf of the City an agreement on the part of the Purchasers to purchase the Bonds on such terms.

(b) The Bonds will be dated and bear interest from August 1, 1984, or such other date as may be specified by the Purchasers. The Bonds shall be issued as fully registered Bonds in the denomination of \$5,000, or any whole multiple thereof. Registration of the bonds, including transfers and exchanges, shall be made at the principal corporate trust office of the Trustee as provided in the Indenture. Interest on the Bonds shall be payable on February 1 and August 1 of each year, commencing not later than August 1, 1985. The principal of the Bonds shall be payable at the principal corporate trust office of the Trustee, and interest on the Bonds will be payable by check or draft mailed to the registered owner.

(c) The Bonds shall be executed following the effective date hereof by the manual or facsimile signature of the Mayor and the corporate seal of the City shall be affixed, imprinted, lithographed or reproduced thereon, and shall be attested by the manual or facsimile signature of the Clerk of the City. Upon execution of the Bonds as aforesaid, and upon authentication of the Bonds by the Trustee in the manner provi-

ded in the Indenture, the Trustee is hereby authorized and directed to deliver the Bonds to the Purchasers against receipt of the purchase price or unpaid balance thereof, on such date as may be agreed upon by the Mayor or Clerk of the City and the Purchasers.

(d) The Bonds shall be subject to redemption prior to maturity as provided in the form of Bond set forth in the Indenture, and Article VIII of the Indenture.

(e) Any costs of the Project which cannot be paid from the proceeds of the Bonds will be paid for by the Developer, unless paid for from the proceeds of additional parity bonds, as authorized by the Indenture.

(f) The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

**SECTION 3. Approval of Indenture and Financing Agreement.** The forms of Indenture and Financing Agreement presented to this meeting are hereby approved, and the Mayor is hereby authorized and directed to execute and deliver, and the Clerk is hereby authorized to affix and attest the corporate seal of the City to an Indenture and Financing Agreement in substantially such form with such changes therein as counsel for the city may advise and the officers executing the same may approve, which changes may be made 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), such approval to be evidenced by their execution thereof.

**SECTION 4. Approval of Note, Mortgage, Building Loan Agreement and Other Documents.** The City agrees and consents to the Developer's causing to be executed and delivered to the Trustee of the Note and Mortgage on the Project, the Building Loan Agreement with respect to construction of the Project and the Security Agreement with respect to all equipment in the Project. The City consents to the Note, Mortgage, Building Loan Agreement and Security Agreement being executed by the Developer and delivered to the Trustee by means of the Developer executing and delivering such documents to the Mortgage Banker and the Mortgage Banker immediately assigning to the Trustee all its right, title and interest in such documents, provided that the same is approved by FHA. The City further agrees and consents to the Trustee's execution of the Servicing Agreement providing for the collection by the Mortgage Banker under the Servicing Agreement of the amounts payable by the Developer under the Note and Mortgage, the Mortgage Banker's holding the accounts and funds specified in the Servicing Agreement, and the remittance to the Trustee of principal and interest payments under the note payment to the Mortgage Banker of its servicing fee, all in accordance with the Servicing Agreement. The City further agrees and consents to the execution and delivery by the Developer of the Regulatory Agreement with FHA and the Lease Agreement pursuant to which the Developer will lease the Project to the User.

**SECTION 5. Public Inspection.** Two (2) copies of the form of the Bonds, Financing Agreement, Servicing Agreement, and Indenture are on file in the office of the Clerk of the Council for public inspection.

**SECTION 6. Marketing of Bonds.** The Purchasers are hereby authorized to prepare and disseminate, in connection with arranging for the marketing of the Bonds, of a Private Placement Memorandum, Limited Offering Memorandum or Official Statement describing the proposed financing of the Project, the Developer, the User, the City, and the security for the Bonds. The Mayor of the City is hereby authorized, upon advice of counsel for the City, to approve and execute such a Private Placement Memorandum, Limited Offering Memorandum or Official Statement.

**SECTION 7. Electing Certain Tax Treatment.** The City hereby elects that Section 103(b)(6)(D) of the Internal Revenue Code of 1954, as amended, shall be applicable to the Bonds authorized hereunder, and the proper officers of the City are hereby authorized and directed to file evidence of such election with the appropriate office of the Internal Revenue Service.

**SECTION 8. Incidental Action.** The Mayor or Clerk by and they are each hereby authorized and directed, in the name and on behalf of the City, to execute any and all instruments, perform any and all acts, approve any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), the acquisition and construction of the Project by the Developer, the issuance and sale of the Bonds, and the securing of the Bonds under the Indenture.

**SECTION 9. Effective Date.** This Bond Ordinance shall be in full force and effect immediately upon its passage from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 435, 1984. This is a special ordinance amending previously issued 1983 Bonds for The Williams Companies; transfers Bonds to the Edgcomb Metals Company (no new bonds are being issued). Councillor Schneider asked for consent to Postpone Proposal No. 435, 1984, until August 27, 1984. Consent was given.

PROPOSAL NO. 436, 1984. This is a special ordinance amending previously issued 1984 Bonds for Marott Development Company (no new bonds are being issued). Councillor Schneider explained that the Marott Development Company and INB wish to modify terms through this amendment. Original financing agreements provided a viable interest rate, with an interest adjustment date of June 30, 1989. The Marrott Development Company now desires a fixed interest rate of 9.34%. The amendment also includes moving the initial time at which the principal is due six months later than the original agreement. The Economic Development Committee on August 1, 1984, recommended Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 436, 1984, was adopted on the following roll call vote; viz:

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

*NO NAYS*

*4 NOT VOTING: Clark, Curry, Page, Strader*

Proposal No. 436, 1984, was retitled SPECIAL ORDINANCE NO. 42, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 42, 1984**

**A SPECIAL ORDINANCE** authorizing the modification of the financing concerning the previously issued City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Marott Development Company Project). (No new bonds are being issued.)

WHEREAS, City of Indianapolis (the "City"), Marott Development Company (the "Company"), Indiana Mortgage Company ("IMC"), The Indiana National Bank (the "Bondholder") have heretofore executed a certain Bond Purchase and Loan Agreement dated as of June 1, 1984 (the "Agreement" relating to the City's \$3,000,000 aggregate principal amount Economic Development Revenue Bonds, Series 1984 (Marott Development Company Project)); and

WHEREAS, pursuant to the Agreement, (i) the Company has executed and delivered the Notes to the City, and (ii) the City has issued and sold the Bonds, and endorsed the Notes, to the Bondholder; and

WHEREAS, the City, the Company, IMC and the Bondholder desire to modify certain terms of the Agreement, the Notes and the Bonds as hereinafter provided; and

WHEREAS, the Indianapolis Economic Development Commission, on August 1, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the modification of the financing of certain economic development facilities being developed by Marott Development Company complies with the purposes and provisions of Indiana Code 36-7-12 and that such modification of the 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 form of the Loan Modification Agreement by resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the amendment of the financing of the economic development facilities referred to in the Loan Modification Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The form of the Loan Modification Agreement 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 Loan Modification Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Series A Note and the Series A Bond shall be subject to interest on the unpaid principal amount thereof from the date of the Loan Modification Agreement to but not including the Interest Adjustment Date at the rate of nine and three-quarters (9-3/4%) per annum.

SECTION 4. The Series A Note and the Series A Bond shall have principal in the amounts set forth in Exhibit A to the Loan Modification Agreement payable on January 1, 1986, and on the first day of each succeeding calendar month thereafter, to and including June 1, 1994, and shall have the remaining unpaid balance of the principal sum thereof payable on July 1, 1994.

SECTION 5. The Series B Note and the Series B Bond shall be subject to interest on the unpaid principal amount thereof from the date of the Loan Modification Agreement to maturity at the rate of nine and three-quarters percent (9-3/4%) per annum.

SECTION 6. The Series B Note and the Series B Bond shall have \$10,416.66 of the principal sum thereof payable on January 1, 1986, and on the first day of each succeeding calendar month thereafter, to and including June 1, 1987, and shall have the remaining unpaid balance of the principal sum thereof payable on July 1, 1987.

SECTION 7. The Agreement, the Notes and the Bonds are hereby deemed to be modified, as necessary, to reflect the provisions of the Loan Modification Agreement. Except as so modified, such documents shall remain the same and in full force and effect.

**SECTION 8.** The Bonds shall continue to never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

**SECTION 9.** The Mayor and City Clerk are authorized and directed to execute and deliver the Loan Modification Agreement 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 Mayor and City Clerk may by their execution of the Loan Modification Agreement approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

**SECTION 10.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 375, 1984. Councillor Dowden explained that the Public Safety and Criminal Justice Committee on July 25, 1984, recommended Proposal No. 375, 1984, Do Pass As Amended by a vote of 6-0. He stated that the original request was for \$45,000 of Title 20 funding, but the Prosecutor's Office was granted only \$22,900. The grant's term is from September 1 to September 1 of each year and Proposal No. 375, appropriates only one-third of the grant. Proposal No. 375, 1984, was amended in Committee to reflect these changes. The President called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 375, 1984, as amended, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Page, Schneider*

Proposal No. 375, 1984, as amended, was retitled FISCAL ORDINANCE NO. 57, 1984, and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 57, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating an additional Twelve Thousand One Hundred Ten Dollars (\$12,110) in the County General Fund for purposes of the Marion County Prosecutor's Child Support Division and the Marion County Auditor and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (b)(23) 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 funds for referral services which will be reimbursed by the Indiana Office of Social Services and a transfer of funds for additional computer equipment costs in branch offices.

SECTION 2. The sum of Twelve Thousand One Hundred Ten Dollars (\$12,110) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<b>PROSECUTOR'S CHILD SUPPORT DIV.</b>	<b>COUNTY GENERAL FUND</b>
1. Personal Services	\$3,692
2. Supplies	300
3. Other Services & Charges	1,915
4. Capital Outlay	<u>5,658</u>
	<b>\$11,565</b>

**MARION COUNTY AUDITOR**

1. Personal Services (Fringes)	\$ 545
<b>TOTAL INCREASE</b>	<b><u>\$12,110</u></b>

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

<b>PROSECUTOR'S CHILD SUPPORT DIV.</b>	<b>COUNTY GENERAL FUND</b>
2. Supplies	\$ 4,700
Unappropriated and Unencumbered	
County General Fund	<u>7,410</u>
<b>TOTAL REDUCTION</b>	<b><u>\$12,110</u></b>

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

**(b)(23) PROSECUTOR'S CHILD SUPPORT IV-D AGENCY - Dept. 04**

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Supervisor Professional	2	38,568	45,000
Administrative Supervisor	5	22,478	82,700
Deputy Prosecutors	7	34,746	117,410
Paralegals	<del>26</del> <u>27</u>	18,763	<del>\$24,500</del> <u>340,500</u>
Secretaries	24	16,275	237,910
Temporary			61,044
Vacancy Factor	—		<del>(76,217)</del> <u>(88,524)</u>
<b>TOTAL</b>	<b><u>64 65</u></b>	<b><u>792,347</u></b>	<b><u>796,040</u></b>

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

PROPOSAL NO. 410, 1984. This proposal appropriates \$15,000 for the County Administrator for payment of workmen's compensation claims. Councillor Cottingham asked for consent to postpone Proposal No. 410, 1984, until the August 27, 1984, meeting of the Council. Consent was given.

## SPECIAL ORDERS - UNFINISHED BUSINESS

[Clerk's Note: Proposal No. 382, 383 and 385, 1984, on July 23, 1984, were postponed in Council until the Councillor from the particular district that was affected could check these proposals out. All proposals were heard by the Transportation Committee and recommended for passage on July 18, 1984.]

PROPOSAL 382, 1984. Councillor Gilmer explained that this proposal changes parking controls on a portion of North Columbia Avenue. Proposal No. 382, as originally submitted was to amend Section 29-269, Parking prohibited at all times on specified days. The Committee amended the proposal so that the affected section is Section 29-267, Parking prohibited at all times on certain streets. Councillor Gilmer moved, seconded by Councillor Rader, for adoption. Proposal No. 382, 1984, as amended, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Dowden, Giffin, Page*

Proposal No. 382, 1984, as amended, was retitled GENERAL ORDINANCE NO. 50, 1984, and reads as follows:

### CITY-COUNTY GENERAL ORDINANCE NO. 50, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-272, Parking time restricted on designated days, Section 29-269, Parking prohibited at all times on specified days, and Section 29-270, Parking prohibited during specified hours on certain days.

#### 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", Chapter 29, Section 29-272, Parking time restricted on designated days, is hereby amended by the deletion of the following, to wit:

TWO HOURS  
ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS  
From 7:00 a.m. to 6:00 p.m.

Columbia Avenue, on the west side, from the north curblin of Nineteenth Street north for a distance of 237 feet;

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-272, Parking time restricted on designated days, is hereby amended by the addition of the following, to wit:

**TWO HOURS**  
**ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS**  
From 7:00 a.m. to 6:00 p.m.

Columbia Avenue, on the west side, from the north curblin of Nineteenth Street to a point 312 feet north of Nineteenth Street;

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-269, Parking prohibited at all times on specified days, is hereby amended by the deletion of the following, to wit:

**PROHIBITED ON ANY DAY EXCEPT SUNDAY**

Columbia Avenue, on the east side, from Nineteenth Street to Twentieth Street;

SECTION 4. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, is hereby amended by the addition of the following, to wit:

Columbia Avenue, on the east side from Nineteenth Street to Twentieth Street

SECTION 5. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-270, Parking prohibited during specified hours on certain days, is hereby amended by the addition of the following, to wit:

**ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS**  
From 7:00 a.m. to 6:00 p.m.

Columbia Avenue, on the west side, from a point 312 feet north of Nineteenth Street to a point 382 feet north of Nineteenth Street.

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

PROPOSAL NO. 383, 1984. Councillor Gilmer reported that Proposal No. 383, authorizes the removal of a traffic signal at the intersection of Sloan and South-eastern Avenues. Since 1974 traffic flow patterns in this area have decreased, due to the Raymond Street and interstate construction. Councillor Gilmer moved, seconded by Councillor Rader, for adoption. Proposal No. 383, 1984, was adopted on the following roll call vote; viz:

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

*NO NAYS*

*1 NOT VOTING: Page*

Proposal No. 383, 1984, was retitled GENERAL ORDINANCE NO. 51, 1984, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 51, 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", Chapter 29, Section 29-92, Schedule of intersection controls, 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>
33, Pg. 7	Sloan Av., Southeastern Av., & Worchester Av.	NONE	SIGNAL

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-92, Schedule of intersection controls, 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>
33, Pg. 7	Sloan Av., Southeastern Av., & Worchester Av.	Southeastern Av.	STOP

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

PROPOSAL NO. 385, 1984. Councillor Gilmer stated that Proposal No. 385, corrects discrepancies between the posted on-street parking controls and the Code authorized controls on 14th Street from Delaware Street to Missouri Street. Councillor Gilmer moved, seconded by Councillor Cottingham, for adoption. Proposal No. 385, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Page, Strader*

Proposal No. 385, 1984, was retitled GENERAL ORDINANCE NO. 52, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-283, Parking meter zones designated, Section 29-267, Parking prohibited at all times on certain streets, and Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-283, Parking meter zones designated, is hereby amended by the deletion of the following, to wit:

## TWO HOURS

Fourteenth Street, on the south side, from Senate Avenue to Capitol Avenue;

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, is hereby amended by the deletion of the following, to wit:

Fourteenth Street, on the north side, from Illinois Street to Pennsylvania Street;

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, is hereby amended by the deletion of the following, to wit:

Fourteenth Street, on both sides, from Pennsylvania Street to Delaware Street;

SECTION 4. The "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, is hereby amended by the addition of the following, to wit:

Fourteenth Street, on the north side, from Pennsylvania Street to Senate Avenue;

Fourteenth Street, on the south side, from Pennsylvania Street to a point 160 feet west of Pennsylvania Street; and

Fourteenth Street, on the south side, from Senate Avenue to the Conrail Central Railroad.

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

## SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 336, 1984. Councillor Schneider reported that the Economic Development Committee on August 1, 1984, recommended Do Pass As Amended by a vote of 5-0-1. The project is the relocation of Printed Wiring, Inc. to 9340 Corporation Drive. The company manufactures printed circuit boards for the high technology electronics market. The proposal was amended in Committee to increase the financing amount from \$3,900,000 to \$4,000,000. Since Merchants National Bank is the Trustee on the Bond issue, and since Councillor Rader is an employee of Merchants National Bank, such facts are disclosed, and Councillor Rader is not participating in any of the Council proceedings concerning Proposal No. 336, 1984. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 336, 1984, as amended, was adopted on the following roll call vote; viz:

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

4 NOT VOTING: *Clark, Miller, Page, Rader*

Proposal No. 336, 1984, as amended, was retitled SPECIAL ORDINANCE NO 43, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 43, 1984**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series A (Printed Wiring, Inc. Project)" in the aggregate principal amount of Four Million Dollars (\$4,000,000) 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 Printed Wiring, 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 August 1, 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 Printed Wiring, Inc. (the "Company") consisting of the acquisition, renovation, installation and equipping of a 120,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements located at 9340 Corporation Drive, Indianapolis, Indiana, on approximately 19.4 acres of land which will be used by the Company for the manufacturing of high density multilayer, two-sided, and single sided printed circuits used in microcomputers, minicomputers, automotive, communications and other high tech electronics products, however, a portion of the building, comprising approximately 50,000 square foot, until the Company needs the additional space for its operations will be leased to other businesses (the "Project") which will be initially owned and operated by Printed Wiring, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing and leasing units in said facilities to persons will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series A (Printed Wiring, 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 Bond Purchase and Loan Agreement consisting of the acquisition, renovation, installation and equipping of a 120,000 square foot building and the machinery and equipment to be installed therein plus certain site improvements located at 9340 Corporation Drive, Indianapolis, Indiana, on approximately 19.4 acres of land which will be used by the Company for the manufacturing of high density multilayer, two-sided, and single sided printed circuits used in microcomputers, minicomputers, automotive, communications and other high tech electronics products, however, a portion of the building, comprising approximately 50,000 square foot, until the Company needs the additional space for its operations will be leased to other businesses 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 Printed Wiring, Inc. for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Printed Wiring, 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 Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bonds, Series A (Printed Wiring, 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 Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bonds, Series A (Printed Wiring, 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 (Printed Wiring, Inc. Project) in the aggregate principal amount of Four Million Dollars (\$4,000,000) for the purpose of procuring funds to loan to Printed Wiring, Inc. in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Printed Wiring, Inc. on its Promissory Note in the principal amount of Four Million Dollars (\$4,000,000), which will be executed and delivered by Printed Wiring, Inc. to evidence and secure said loan, and as otherwise provided in the above described Mortgage, Security Agreement and 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 eleven and one-quarter percent (11.25%).

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series A (Printed Wiring, Inc. 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 Mortgage, Security Agreement and Trust Indenture. The Mayor and City Clerk may be their execution of the Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, 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 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, Security Agreement and Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series A (Printed Wiring, 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.

PROPOSAL NO. 374, 1984. Councillor Borst gave the Committee report, due to Councillor Dowden's absence at the Committee meeting. He explained that there

is currently no city ordinance or state law to prohibit ticket scalping. One-third of the city's that have NFL franchises, have ticket scalping ordinances. Proposal No. 374, is not applicable to the Speedway race track, because it is not a public owned facility and also the race track is located within the city limits of Speedway, not Indianapolis. Proposal No. 374, set a limit of \$5.00 as a service charge added to the tickets. The Committee amended this from a \$5.00 charge to a \$2.50 charge. The Public Safety and Criminal Justice Committee recommended Proposal No. 374, 1984, Do Pass As Amended by a vote of 6-0-1. Councillor Borst moved, seconded by Councillor Howard, for adoption.

Councillor Durnil moved, seconded by Councillor Gilmer, to strike Proposal No. 374, 1984. The motion failed on the following roll call vote; viz:

*13 YEAS: Boyd, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Miller, Nickell, Rader, Schneider, SerVaas, Stewart*

*15 NAYS: Borst, Bradley, Campbell, Coughenour, Crowe, Curry, Giffin, Holmes, Howard, Journey, McGrath, Rhodes, Shaw, Strader, West*

*1 NOT VOTING: Page*

Councillor Dowden made the following motion:

**CITY-COUNTY COUNCIL MOTION**

**Mr. President:**

**I move to amend Proposal No. 374, 1984, to specify that this ordinance apply only within 100 yards of any entrance to the public facility.**

**Councillor Dowden**

Councillor West moved, seconded by Councillor Howard, to postpone the amendment indefinitely. The motion failed on the following roll call vote; viz:

*13 YEAS: Borst, Bradley, Campbell, Coughenour, Crowe, Curry, Hawkins, Holmes, Howard, Journey, McGrath, Rhodes, West*

*15 NAYS: Boyd, Clark, Cottingham, Dowden, Durnil, Giffin, Gilmer, Miller, Nickell, Rader, Schneider, SerVaas, Shaw, Stewart, Strader*

*1 NOT VOTING: Page*

Councillor Gilmer moved, seconded by Councillor Clark, to send Proposal No. 374, 1984, back to Committee for further study. Consent was given.

PROPOSAL NO. 411, 1984. Councillor West reported that the Public Works Committee on July 26, 1984, recommended Do Pass As Amended by a vote of

4-0. Proposal No. 411, changes certain vocabulary perviously used in the Code, now obsolete is being deleted. Also, the current length of time the permit is valid for four years; this is being shortened to two years to provide a more up-to-date review. Proposal No. 411, also sets the permit fees at varying levels between \$45.00 to \$300.00 per year as compared to a flat of of \$13.75 per year for all applicants. The Committee did recommend some technical amendments to the proposal. Councillor West moved, seconded by Councillor Coughenour, for adoption. Proposal No. 411, 1984, as amended, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Dowden, Page*

Proposal No. 411, 1984, as amended, was retitled GENERAL ORDINANCE NO. 53, 1984, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 53, 1984**

A GENERAL ORDINANCE amending Articles I and II of Chapter 4, Air Pollution, of the "Code of Indianapolis and Marion County, Indiana".

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

SECTION 1. Section 4-1 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underlined and deleting the language crosshatched as follows:

**Sec. 4-1. Definitions.**

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

**ADMINISTRATOR** shall mean the administrator of the division of air pollution control, department of public works.

**AIR CONTAMINANT** shall mean particulate matter, dust, fumes, gas, mist, odors, smoke, soot or vapor, or any combination thereof, and also radioactive substances.

**AIR CONTAMINANT SOURCE** shall mean any and all sources of emission of air contaminants, whether privately or publicly owned or operated.

**AIR POLLUTION** shall mean the presence in the outdoor atmosphere or ambient air or one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life and property.





**INDIRECT HEAT EXCHANGER** shall mean a device or apparatus which transfers heat from one fluid to another fluid without the fluids coming in direct contact with each other.

**INTERNAL COMBUSTION ENGINE** shall mean an engine in which the combustion of fuel takes place within the cylinder of the engine.

**MITSUBISHI** shall mean the company known as Mitsubishi Heavy Industries, Limited, of Japan.

**ODOR** shall mean any objectionable smell or taste.

**OPEN BURNING OR OPEN FIRE** shall mean any burning of combustible materials wherein the products of combustion are emitted directly into the open air without passing through a stack or chimney.

**PARTICULATE MATTER** shall mean any solid or liquid material which is suspended in the air and which is capable of being inhaled or ingested.

**POTENTIAL EMISSIONS** shall mean emissions of any one pollutant which would be emitted from a facility if that facility were operated without the use of pollution control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions from a facility shall take into account the hours of operation per year and shall be calculated according to Federal emission guidelines in AP 42-most recent edition-Compilation of Air Pollution Factors, or calculated based on stack test data or other data acceptable to the Board.

**PROCESS** shall mean any action, operation or treatment embracing chemical, industrial or manufacturing facts, such as, but not limited to, heat-treating furnaces, by-product coke plants, cupolas, heating and reheating furnaces, electric steel furnaces, ferrous and nonferrous foundries, asphalt concrete mix plants, cement plants and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that emit smoke, particulate matter or gaseous matter in excess of the minimum quantities established by this chapter or the rules and regulations issued pursuant to this chapter.

**PROCESS WEIGHT** shall mean the weight of the material which is processed in a facility during a given period.

**PROCESS WEIGHT SHALL MEAN**

- (1) the weight of the material which is processed in a facility during a given period;
- (2) the weight of the material which is processed in a facility during a given period, less the weight of the material which is recycled or reused;

(3) the weight of the material which is processed in a facility during a given period, less the weight of the material which is recycled or reused, and less the weight of the material which is lost in the process.

**REFUSE** shall mean and include garbage, rubbish, trade and waste trash.

**REFUSE BURNING EQUIPMENT** shall mean any equipment, device or contrivance used for the destruction of refuse and other waste by burning and all appurtenances thereto.

**RINGELMANN / CHART** shall mean any published and distributed in the United States Bureau of Mines Information Circular 8373, which show in the latest current circulars and charts, on which are illustrated graduated shades of gray to black from 199 in estimating the light obscuring properties of smoke.

**RINGELMANN NUMBER** shall mean the number appearing on the Ringelmann chart, representing the obscuring of the sun or the obscuring of the sun (2) in estimating the obscuring of the sun or the obscuring of the sun.

**SMOKE** shall mean, gasborne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash and other combustible materials which form a visible plume in the air.

**SMOKE MONITOR** shall mean a device using a light source and a light detector which is automatically adjusted and records the light obscuring power of smoke at a specific location in the field of smoke. Measuring and recording shall be at intervals of not less than fifteen (15) seconds.

**SOURCE** shall mean an aggregation of one or more process, fuel-burning or control equipment which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person, or by persons under common control, or by a corporation.

**SOURCE OPERATION** shall mean the last operation preceding the emission of an air contaminant, which operation:

- (1) results in the separation of the air contaminant from the process materials or the collection of the process materials into air contaminants, as in the case of combustion of fuel, and
- (2) is the actual abatement operation.

**STANDARD CONDITIONS** shall mean a gas temperature of seventy (70) degrees Fahrenheit and a gas pressure of thirty-two (32) pounds per square inch absolute.

**STANDARD CUBIC FOOT (SCF)** shall mean a measure of a volume of gas under standard conditions.

**SUBMERGED / FULL / PIPE** shall mean any full pipe, the discharge opening of which is entirely submerged with the liquid level is six (6) inches above the bottom of the tank or when applied to a tank which is loaded from the side, shall mean any full pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen (18) inches or is twelve (12) inches or is the full pipe, whichever is greater, above the bottom of the tank.

**TRAMPLE WASTES** shall mean all solids, liquids or vapors resulting from combustion, leaching or other than animal crops grown on the premises in the course of agricultural operations, including operations of the prosecution of any business, made or intended, but not by way of limitation, plastic or rubber products, cinders, fly ash, trees, brush and other forms of solid or liquid waste material.

**VOLATILE ORGANIC MATERIALS** shall mean any material containing carbon and hydrogen or carbon and hydrogen in combination with any other element, which has a vapor pressure of two (2) pounds per square inch absolute at a temperature of seventy (70) degrees Fahrenheit.

WOOD PRODUCTS shall mean dry materials consisting of wood, boards, branches, brush, leaves and other similar material.

SECTION 2. Section 4-27 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underlined and deleting the language crosshatched as follows:

Sec. 4-27. Certificate for operation of existing equipment in compliance with this chapter.

(a) The owner or person responsible for maintenance of any existing process, fuel-burning, refuse-burning or control equipment, which is a source of air contaminants of the type covered by this chapter and the rules and regulations promulgated pursuant to this article, and which emits such contaminants in amounts in excess of the minimums provided in such rules and regulations, shall file with the division a report setting forth:

- (1) The nature and quantity of the air contaminant produced; and
- (2) A description of any devices designated to control the emission of such contaminants into the atmosphere.

(b) Upon receipt of the report pursuant to subsection (a) and payment of the required fee, the administrator shall, if he is satisfied that the process, fuel-burning, refuse-burning and control equipment does not allow the emission into the atmosphere of air contaminants in excess of the maximums provided in this chapter or the rules and regulations promulgated pursuant to this article, issue to such person a certificate of operation for the process, fuel-burning, refuse-burning and control equipment. The certificate of operation may be renewed on the fourth anniversary and every four (4) years thereafter, so long as the equipment remains in ~~substantial~~ lawful operation. An invoice for renewal of the certificate of operation shall be submitted to the owner of record by the division of air pollution control.

(c) Effective January 1, 1985, a certificate of operation shall be valid for 2 years. At the request of the source, the administrator may issue a certificate of operation for a shorter period of time in order to effect a single renewal date for all certificates of a single source.

(d) If the administrator shall find the process, fuel-burning, refuse-burning or control equipment results in the emission into the atmosphere of air contaminants in excess of the maximum amounts provided in this chapter and the rules and regulations promulgated to this article, the administrator shall order the applicant to submit a program for bringing such process, fuel-burning, refuse-burning or control equipment in compliance with section 4-28.

SECTION 3. Section 4-117 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underlined and deleting the language crosshatched as follows:

Sec. 4-117. Certificate of operation.

(a) The person responsible for the installation, construction or alteration of any process, fuel-burning, refuse-burning or control equipment for which an installation permit is required by this division shall notify the division of air pollution control when the work is completed and ready for final inspection. Pending the inspection, the process or equipment may be operated for the purpose and in the manner for which the installation permit was approved. Emission tests at the expense of the permittee may be required by the administrator of air pollution control before the issuing of an initial certificate of operation.

(b) After it is demonstrated to the satisfaction of the administrator of air pollution control that the process, fuel-burning, refuse-burning or control equipment



In addition, a fee may be charged and a check made payable to the Indiana State Board of Health if it is necessary to obtain a state permit.

SECTION 5. Section 4-130 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underlined and deleting the language crosshatched as follows:

Sec. 4-130. ~~Fees for the identification of equipment~~ Application fees; annual administrative fees.

(a) Application fees Fees for the initial issuance of certificates of operation which may require inspection of any process, fuel-burning, ~~refuse-burning,~~ refuse-burning, or ~~process~~ control equipment or devices shall be submitted with each application and shall be as follows:

<del>(A) For fuel-burning, equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(B) For refuse-burning, equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(C) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(D) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(E) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(F) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(G) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(H) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(I) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(J) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(K) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(L) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(M) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(N) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(O) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(P) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(Q) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(R) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(S) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(T) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(U) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(V) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(W) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(X) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(Y) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>
<del>(Z) For other equipment, process, or other equipment, identification, and other fees</del>	<del>\$50.00</del>

For each unit:

<u>Less than 25 tons per year allowable emissions</u>	<u>\$45.00</u> per application
<u>Between 25 and 100 tons per year allowable emissions</u>	<u>150.00</u> per application
<u>Greater than 100 tons per year allowable emissions</u>	<u>300.00</u> per application

(b) Annual administrative fees for certificates of operation which may require inspection of any process fuel-burning, refuse-burning or control equipment shall be as follows:

For each unit:

<u>Less than 25 tons per year allowable emissions</u>	<u>\$45.00</u> per year
<u>Between 25 and 100 tons per year allowable emissions</u>	<u>150.00</u> per year
<u>Greater than 100 tons per year allowable emissions</u>	<u>300.00</u> per year

(c) Effective January 1, 1985, annual administrative fees shall be paid by January 31st, of the calendar year except that certificates of operations issued in calendar year 1984 shall be exempt from the annual fee until calendar year 1986. Unpaid annual administrative fees shall render the certificate of operation invalid.

subject to this division is being operated in compliance with this chapter, a certificate of operation shall be issued by the division. The certificate of operation shall be renewed every 12 months (12) months as provided in Section 4-27 so long as such equipment remains in lawful operation. As provided in Section 4-27

(c) A certificate of operation issued pursuant to this section shall be kept posted on or near the installation for which it was issued.

(d) A certificate of operation issued pursuant to this section shall properly identify the equipment to which it pertains and shall specify the class of fuel, type of refuse or type of raw materials used, if any, which have been successfully used in the operating test.

(e) Effective January 1, 1985, a certificate of operation shall be valid for 2 years. At the request of the source, the administrator may issue a certificate of operation for a shorter period of time in order to effect a single renewal date for all certificates of a single source.

SECTION 4. Section 4-129 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underlined and deleting the language crosshatched as follows:

Sec. 4-129. Installation and alteration permits.

The fees for the inspection of plans and the issuance of a permit for the installation, erection and construction, reconstruction, alteration of or addition to process, fuel-burning, refuse-burning, or control shall be as follows:

(A) // For the inspection of plans and the issuance of a permit for the installation, erection and construction, reconstruction, alteration of or addition to process, fuel-burning, refuse-burning, or control shall be as follows:

Certificate/Plan/100/units/year/industrial (Industrial/Commercial/Institutional/Institutional)	\$400.00
Less than/100/units/year/industrial/Institutional	\$150.00

(B) // For the inspection of plans and the issuance of a permit for the installation, erection and construction, reconstruction, alteration of or addition to process, fuel-burning, refuse-burning, or control shall be as follows:

Certificate/Plan/100/units/year/industrial (Industrial/Commercial/Institutional/Institutional)	\$00.00
Less than/100/units/year/industrial/Institutional (Industrial/Commercial/Institutional/Institutional)	\$140.00

(C) // For the inspection of plans and the issuance of a permit for the installation, erection and construction, reconstruction, alteration of or addition to process, fuel-burning, refuse-burning, or control shall be as follows:

Certificate/Plan/100/units/year/industrial (Industrial/Commercial/Institutional/Institutional)	\$00.00
Less than/100/units/year/industrial/Institutional	\$40.00

For each unit:

<u>Greater than 25 tons per year potential emissions</u>	<u>\$400.00</u>
<u>Less than 25 tons per year potential emissions</u>	<u>\$140.00</u>

Meadowbrook Drive, from Eightieth Street to Southbrook Drive, 20 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:

Meadowbrook Drive from Westfield Boulevard to Eightieth Street, 20 MPH.

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

PROPOSAL NO. 413, 1984. Councillor Gilmer reported that the Transportation Committee on August 1, 1984, recommended Do Pass by a vote of 5-0. He explained that Proposal No. 413, revises parking regulations on 30th Street between Riverside Avenue and Harding Street. In order to insure adequate sight distance at the intersection of 30th and Harding Streets, and provide safe and efficient access to the new CEMD facility, on-street parking should be removed on the south side of 30th Street. Councillor Gilmer moved, seconded by Councillor Clark, for adoption. Proposal No. 413, 1984, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Gilmer, Page, SerVaas*

Proposal No. 413, 1984, was retitled GENERAL ORDINANCE NO. 55, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, 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:

Thirtieth Street, on the south side from Riverside Avenue to Harding Street (North Leg).

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

SPECIAL SERVICE DISTRICT COUNCILS

being no business pending before any of the Special Service District  
councils, none of these convened separately.

### NEW BUSINESS

Councillor Dowden made the following motion:

#### CITY-COUNTY COUNCIL MOTION

1. President:

The Auditor has been advised by the State Board of Tax Commissioners that the  
advertising notices on Proposal Nos. 324 and 376, 1984, passed at our last meeting were  
inadequate. I therefore move that the passage of Proposal Nos. 324 and 376, 1984, be  
reconsidered and that the same be advertised and scheduled for a public hearing on  
August 27, 1984.

Councillor Dowden

motion was given.

#### ANNOUNCEMENTS AND ADJOURNMENT

As there being no further business, upon motion duly made and seconded, the  
meeting adjourned at 8:46 p.m.

I hereby certify that the above and foregoing is a full, true and complete record  
of the proceedings of the regular concurrent meetings of the City-County Council  
of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid  
Waste Special Service District Councils on the 6th day of August, 1984.

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



President



Clerk of the City-County Council

TEST:

(SEAL)