

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

REGULAR MEETINGS - MONDAY, OCTOBER 8, 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 7:04 p.m., on Monday, October 8, 1984, with Councillor SerVaas presiding.

The meeting was opened with a prayer and the Pledge of Allegiance to the Flag by Councillor Stanley Strader.

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, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Miller introduced Dorothy Petrosky of the Indianapolis Star who introduced a journalist from Istanbul, Turkey, Mr. Metin Corabatir. Councillor Boyd introduced Mrs. Phyllis Carr of the Center Township Trustee's Office and Mrs. Atricia Chandler a former City-County Councillor.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, October 8, 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

September 25, 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 September 27, 1984, and October 4, 1984, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 519, 1984, to be held on Monday, October 8, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

October 3, 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. 65, 1984, adopting the City-County Annual Budget for 1985, appropriating amounts necessary to defray expenses for the operation of every facet of government of the Consolidated City of Indianapolis and of Marion County, for the calendar and fiscal year beginning January 1, 1985, and ending December 31, 1985, establishing the method of financing such expenses by allocating anticipated revenues and expenses, and establishing salaries, wages, and compensation rates and limitations with respect to certain employees of the City and County.

FISCAL ORDINANCE NO. 66, 1984, levying taxes and fixing the Rate of Taxation for the purpose of raising revenue to meet the necessary expenses of Indianapolis and Marion County Government and its institutions for the calendar year 1985.

FISCAL ORDINANCE NO. 67, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Twenty-two Million Four Hundred Thirty-five Thousand Nine Hundred Forty-three Dollars (\$22,435,943) in the Sanitary Construction Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations and reducing the unappropriated and unencumbered balance in the Sanitary Construction Fund.

FISCAL ORDINANCE NO. 70, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Superior Court - Criminal Division - Room 6.

GENERAL ORDINANCE NO. 56, 1984, amending the "Code of Indianapolis and Marion County, Indiana", by amending Section 6 of Article I of Chapter 3 to give authority to the City-County Administrative Board to contract for long distance telephone service.

GENERAL ORDINANCE NO. 57, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 58, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-283, Parking meter zone designated.

GENERAL ORDINANCE NO. 59, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 60, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls, Section 29-136, Alteration of prima facie speed limits, Section 29-166, One-way streets and alleys, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours and Section 29-283, Parking meter zone designated.

GENERAL ORDINANCE NO. 61, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 62, 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 zone designated.

SPECIAL ORDINANCE NO. 55, 1984, approving an amendment to the Franchise Contract between the City of Indianapolis, Indiana, and Indianapolis Cablevision Company, Ltd., amending the designation of the Operator from Indianapolis Cablevision Company, Ltd. to Indianapolis Cablevision, Inc.

SPECIAL RESOLUTION NO. 82, 1984, finding that American Cablevision of Indianapolis, Inc., has satisfactorily completed and fully activated its cable television system in its franchise area and authorizing the termination of its construction bond.

Respectfully submitted,

s/William H. Hudnut, III

October 3, 1984

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
POLICE SPECIAL SERVICE DISTRICT 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 Police Special Service District Council, Mrs. Beverly S. Rippey, the following ordinance:

FISCAL ORDINANCE NO. 3, 1984, a Police Special Service District Fiscal Ordinance creating the annual budget of the Police Special Service District of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 1985, and ending December 31, 1985, appropriating monies for the purpose of defraying the expenses and all outstand-

ing claims and obligations of said Police District and the Police Pension Fund and fixing and establishing the annual rate of taxation and tax levy for the year 1985, for each fund for which a special tax levy is authorized and fixing a time when this ordinance shall take effect.

Respectfully submitted,

s/William H. Hudnut, III

October 3, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
FIRE SPECIAL SERVICE DISTRICT 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 Fire Special Service District Council, Mrs. Beverly S. Rippy, the following ordinance:

FISCAL ORDINANCE NO. 1, 1984, creating the annual budget of the Fire Special Service District of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 1985, and ending December 31, 1985, appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Fire District and the Fire Pension Fund and fixing and establishing the annual rate of taxation and tax levy for the year 1985, for each fund for which a special tax levy is authorized and fixing a time when this ordinance shall take effect.

Respectfully submitted,

s/William H. Hudnut, III

October 3, 1984

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

FISCAL ORDINANCE NO. 3, 1984, creating the annual budget of the Solid Waste Special Service District of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 1985, and ending December 31, 1985, appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Solid Waste District and fixing and establishing the annual rate of taxation and tax levy for the year 1985, for each fund for which a special tax levy is authorized and fixing a time when this ordinance shall take effect.

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 October 8, 1984.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections for the Journal of July 9, 1984. There being no additions or corrections, the minutes were approved as distributed.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 531, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$3,000 for the Lawrence Township Assessor for temporary help, postage and utilities for the branch office"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 532, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$35,000 for the Marion County Healthcare Center for increased utility costs"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 533, 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 \$1,200,000 Economic Development Revenue Bonds for White Arts, Inc."; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 535, 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 a maximum aggregate principal amount of \$3,000,000 Economic Development Revenue Bonds for H & K Realty and/or E & A Industries, Inc."; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 549, 1984. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$101,650 for the Administration Division of the Department of Parks and Recreation for new programs which will be reimbursed by local and federal grants and a transfer of funds"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 550, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$279 for Superior Court - Civil Division - Room 7 to replace furniture"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 551, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$29,600 for Superior Court - Juvenile Division for utility costs for the remainder of 1984"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 552, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel schedule of Superior Court - Criminal Division - Room 6"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 553, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Bellefontaine Street and 10th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 554, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Overlook Parkway and 86th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 555, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Hearthstone Way and Ivory Way"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 556, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing speed limit controls on a portion of Wicker Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 557, 1984. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amends the Code to provide for handicapped access to parking meters"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 558, 1984. Introduced by Councillor Coughenour, this proposal authorizes changes in the personnel schedule of the Perry Township Trustee. Councillor Coughenour explained that the township trustees will be overseen by the State as of January 1, 1985, but for the remainder of 1984 the Council must give final approval of any budgetary changes. Councillor Coughenour moved, seconded by Councillor Durnil, to Suspend the Rules of the Council for passage of Proposal No. 558, 1984, at this time. The motion passed by a unanimous voice vote. Councillor Coughenour moved, seconded by Councillor Curry for adoption. Proposal No. 558, 1984, was adopted on the following roll call vote; viz:

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

5 NAYS: Cottingham, Gilmer, Hawkins, Howard, Page

Proposal No. 558, 1984, was retitled GENERAL ORDINANCE NO. 63, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1984

A GENERAL ORDINANCE amending the City-County General Ordinance No. 78, 1983, authorizing changes in the personnel schedule of the Perry Township Trustee.

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

SECTION 1. Section 6 of City-County General Ordinance No. 78, 1983, be and is hereby amended by deleting the crosshatched portions and adding the new amounts as follows:

POSITION	NUMBER OF PERSONNEL	ANNUAL RATE OF COMPENSATION	TOTAL COMPENSATION
Township Trustee	1	16,275	16,275
Township Clerk	1	14,530	14,530
Advisory Board Members	3	1,290	3,870
Small Claims Court Clerks	3	13,816	41,448
Small Claims Court Judge	<u>1</u>	19,112	<u>19,112</u>
SUBTOTAL	9		95,235

FIRE DEPARTMENT PERSONNEL

<u>Fire Admin. Assistant</u>	<u>0</u> 1	<u>0</u> 14,530	<u>0</u> 14,530
<u>Mechanic</u>	<u>0</u> 1	<u>0</u> 19,500	<u>0</u> 19,500
Fire Administrator	1	22,515	22,515
Director of Maintenance	1	20,564	20,564
Secretary	1	14,530 10,400	14,530 10,400
Part-time Clerk Typist	1	5,200	5,200
Private	1	19,226	19,226
Civilian Dispatchers	4	10,500	42,000
Probation	9	13,500	121,500

Chauffeurs	26	21,257	552,682
Extra Comp. for Paramedics	(4)	1,500	6,000
Extra Comp. for EMT	(16)	300	4,800
Total Longevity		16,910	16,910
SUBTOTAL	44 46		885,927 855,827

POOR RELIEF PERSONNEL

Suprs. of Investigators	1	14,530	14,530
Investigators	<u>1</u>	14,530	<u>14,530</u>
SUBTOTAL	2		29,060

OTHER EMPLOYEES

Custodian of Twp. Office & Caretaker of Cemeteries	<u>1</u>	8,348	<u>8,348</u>
TOTAL	59 58		1939,579 988,470

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

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 559-567, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on October 4, 1984". No action was taken by the Council, and the Proposals were deemed adopted. Proposal Nos. 559-567, 1984, were retitled REZONING ORDINANCE NOS. 152-160, 1984, and read as follows:

REZONING ORDINANCE NO. 152, 1984 84-Z-144 WARREN TOWNSHIP COUNCILMANIC DISTRICT NO. 15

6601 EAST WASHINGTON STREET, INDIANAPOLIS

Peter S. Shaunki, by John W. Tousley, requests rezoning of 0.49 acre, being in the C-3 district, to the C-4 classification, to provide for auto service center.

REZONING ORDINANCE NO. 153, 1984 84-Z-146 PERRY TOWNSHIP COUNCILMANIC DISTRICT NO. 20

3401 SOUTH KEYSTONE AVENUE, INDIANAPOLIS

Carl W. Ritchie, by Lawson J. Clark, II, requests rezoning of 1.42 acres, being in the D-5 district, to the C-6 classification, to provide for the construction of a Dollar Inn Motel.

REZONING ORDINANCE NO. 154, 1984 84-Z-147 WAYNE TOWNSHIP COUNCILMANIC DISTRICT NO. 17

3401 WEST 16TH STREET, INDIANAPOLIS

Jim Saunders, by William F. LeMond, requests rezoning of 0.49 acre, being in the C-4 and D-5 districts, to the C-5 classification, to provide for the sales of sports cars, parts and accessories.

REZONING ORDINANCE NO. 155, 1984 84-Z-150 WAYNE TOWNSHIP COUNCILMANIC DISTRICT NO. 18

140 NORTH ROENA STREET, INDIANAPOLIS

John Capels, by Gordon L. Harper, requests rezoning of approximately two acres, being in the C-ID district, to the I-1-S classification, to provide for the construction of an auto racing team garage.

**REZONING ORDINANCE NO. 156, 1984 84-Z-151 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 16**

340 WEST MICHIGAN STREET, INDIANAPOLIS

Indiana National Neighborhood Revitalization Corporation, by Xavier Maudlin, requests rezoning of 0.62 acre, being in the I-3-U district, to the CBD-2 classification, to provide for the relocation and renovation of a historic house for office use.

**REZONING ORDINANCE NO. 157, 1984 84-Z-154 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6 (84-DP-13)**

1050 RIVIERA DRIVE EAST, INDIANAPOLIS

Traylor Construction, Inc. requests the rezoning of 0.87 acre, being in the C-5 district, to the D-P classification, to provide for the construction of 24 attached condominiums.

**REZONING ORDINANCE NO. 158, 1984 84-Z-156 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 7**

3402 WEST 62ND STREET, INDIANAPOLIS

Greater Northwest Baptist Church, by Kenneth L. Davis, requests the rezoning of 6.1 acres, being in the A-2 district, to the SU-1 classification, to provide for the construction of a church.

**REZONING ORDINANCE NO. 159, 1984 84-Z-167 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 4**

5350 EAST 65TH STREET, INDIANAPOLIS

State of Indiana, by Philip A. Nicely, requests the rezoning of 5.92 acres, being in the I-2-S district, to the SU-9 classification, to provide for a highway maintenance facility.

**REZONING ORDINANCE NO. 160, 1984 84-Z-168 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3**

6440 EAST 75TH STREET, INDIANAPOLIS

Heritage Park West Development Co., by Philip A. Nicely, requests the rezoning of 6.33 acres, being in the SU-9 district, to the C-4 classification, to provide for office and retail commercial use.

PROPOSAL NO. 534, 1984. This proposal is a final bond ordinance authorizing the issuance of \$8,400,000 Economic Development Revenue Bonds for 71st and Hague Associates, an Indiana Limited Partnership. Councillor Schneider reviewed the project as the construction of 252 multi-family residential rental units on a tract of land located between East 71st Street on the south, Shadeland Avenue on the west, East 75th Street on the north, and Hague Road on the east. The final bond ordinance is for construction financing only. Bond financing contains the following documents: Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Guaranty Agreement, Land Use Restriction Agreement, and Promissory Note. The interest rate on the three-year interim note purchased by American Fletcher National Bank is 9% and is payable monthly. The Economic Development Committee on October 3, 1984, recommended Proposal No. 534, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 534, 1984, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradley, Campbell, Coughenour, Crowe, Curry, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*

NO NAYS

6 NOT VOTING: *Clark, Cottingham, Dowden, Durnil, Gilmer, Strader*

Proposal No. 534, 1984, was retitled SPECIAL ORDINANCE NO. 56, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 56, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (71st and Hague Associates Project)" in the aggregate principal amount of Eight Million Four Hundred Thousand Dollars (\$8,400,000) 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 71st and Hague Associates, an Indiana limited partnership and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 3, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the interim (construction) financing of certain economic development facilities to be developed by 71st and Hague Associates, an Indiana limited partnership (the "Company") consisting of the acquisition, construction, installation and equipping of approximately 252 units of multifamily residential rental housing and the machinery and equipment to be installed therein plus certain site improvements to be located on the north side of East 71st Street between Shadeland Avenue and Hague Road on approximately 23.43 acres of land (the "Project") which will be initially owned and operated by 71st and Hague Associates, an Indiana limited 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, Trust Indenture, Promissory Note, Guaranty Agreement, Land Use Restriction Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bond (71st and Hague Associates 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 interim (construction) financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement consisting of the acquisition, construction, installation and equipping of approximately 252 units of multifamily residential rental housing and the machinery and equipment to be installed therein plus certain site improvements to be located on the north side of East 71st Street between Shadeland Avenue and Hague Road on approximately 23.43 acres of land previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to 71st and Hague Associates, an Indiana limited partnership for the purposes of interim (construction) financing the economic development facilities being acquired, constructed,

installed and equipped or to be acquired, constructed, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by 71st and Hague Associates, an Indiana limited partnership will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12. Permanent mortgage financing will be provided by American Fletcher Mortgage Corporation after completion of the Project.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Guaranty Agreement, Land Use Restriction Agreement, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bond (71st and Hague Associates 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, Trust Indenture, Guaranty Agreement, Land Use Restriction Agreement, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bond (71st and Hague Associates 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 Bond (71st and Hague Associates Project) in the aggregate principal amount of Eight Million Four Hundred Thousand Dollars (\$8,400,000) for the purpose of procuring funds to loan to 71st and Hague Associates, an Indiana limited partnership in order to provide interim (construction) financing for the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by 71st and Hague Associates, an Indiana limited partnership on its Promissory Note in the principal amount of Eight Million Four Hundred Thousand Dollars (\$8,400,000), which will be executed and delivered by 71st and Hague Associates, an Indiana limited partnership to evidence and secure said loan, and as otherwise provided in the above described Trust Indenture, Guaranty Agreement, and Land Use Restriction Agreement. 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 equal to nine percent (9%) or such other rate of interest as may be provided for in the Bond provided, however, that in no event shall the per annum rate of interest charged exceed thirty percent (30%).

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Land Use Restriction Agreement, the City of Indianapolis, Indiana Economic Development Revenue Bond (71st and Hague Associates Project), and the Endorsement to the Promissory Note approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Trust Indenture. The Mayor and City Clerk may by their execution of the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Land Use Restriction 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 Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bond (71st and Hague Associates 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. 537, 1984. This proposal is for a final bond ordinance superceding and repealing previously adopted Special Ordinance No. 40, 1984, to approve changed terms and documents and Economic Development Revenue Bonds in the amount of \$4,450,000 for Turnverein Partners, Ltd. Before the bonds were executed and delivered, the general partners asked that the maturity date be changed. Councillor Schneider explained that Proposal No. 537, merely changes the maturity date from July of 1991 to November of 1995. All other documents will remain the same. The Economic Development Committee on October 3, 1984, recommended Proposal No. 537, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 537, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Bradley, Coughenour, Gilmer, Holmes*

Proposal No. 537, 1984, was retitled SPECIAL ORDINANCE NO. 57, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 57, 1984

A SPECIAL ORDINANCE superceding and repealing City-County Special Ordinance No. 40, 1984, and 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, this City-County Council on August 6, 1984 adopted City-County Special Ordinance No. 40, 1984 authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond (Turnverein Partners Project)" in the principle amount of Four Million Four Hundred Fifty Thousand Dollars (\$4,450,000) and approving and authorizing other actions in respect thereto; and

WHEREAS, the authorized Bond has not been executed or delivered and the Company has requested certain modifications to the proposed financing terms including a later maturity date and the proposed purchaser of the Bond has consented to the proposed changes; and

WHEREAS, new financing documents have been prepared reflecting the proposed changes; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 3, 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, Land Use Restriction Agreement, 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 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 now 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, Land Use Restriction Agreement, 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, Land Use Restriction Agreement, 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 in any initial amount equal to one percent (1%) of the principal amount of the Bond on the date of delivery thereof and from the date of delivery thereof until September 30, 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) the Bond shall bear interest at the Taxable Rate (as defined in the Loan Agreement), and (iii) under certain circumstances, the Bond shall bear interest at the Adjusted Tax Exempt Rate as described in the Loan 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), Land Use Restriction Agreement, 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, Land Use Restriction 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. Special Ordinance No. 40, 1984 is hereby superceded and repealed.

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

PROPOSAL NO. 538, 1984. This proposal is for an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Builders Transport, Inc., in an approximate amount of \$3,450,000. Councillor Schneider reported that the Company's headquarters are in Camden, South Carolina. Builders Transport is an irregular route common carrier that transports general commodities throughout forty-eight contiguous states. The project, in response to increasing demand from existing customers, is to acquire, construct and equip a 16,000 square foot terminal and distribution facility on approximately 20.5 acres at 1421 W. Thompson Road. The project also includes the acquisition of fifty truck tractors to serve an approximate 600 mile radius around Indianapolis. Costs for the project are as follows: \$250,000 land, \$500,000 building, \$2,650,000 equipment and \$50,000 other contingencies. Construction should begin immediately with occupancy within six months. The estimated number of additional employment positions at the end of one and three years total 67-68 jobs with \$1,891,000 and \$2,189,000 in additional payroll to the community. The Economic Development Committee on October 3, 1984, recommended Proposal No. 538, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 538, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Gilmer, Schneider*

Proposal No. 538, 1984, was retitled SPECIAL RESOLUTION NO. 83, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 83, 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, Builders Transport, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a truck terminal and distribution center thereon containing approximately 16,000 square feet including approximately 50 truck tractors to be based at said terminal and the machinery and equipment to be installed therein plus certain site improvements located at 1421 West Thompson Road, Indianapolis, Indiana on approximately 20.5 acres of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 68 at the end of one year and 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 Three Million Four Hundred Fifty Thousand Dollars \$3,450,000 under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Builders Transport, 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 during that calendar year will not exceed the 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 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 April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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 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. 539, 1984. This is a proposal for an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Central Indiana Supply Company, Inc., in an approximate amount of \$700,000. Councillor Schneider explained that the Company is currently located at 1432-1440 Kentucky Avenue and is engaged in the wholesale distribution of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other farm supplies. Central Indiana Supply Company, Inc. sells primarily to farm supply dealers. The project is to construct a 30,000 square foot building and remodel the existing warehouse containing 15,000 square feet at 3340 Shelby Street on approximately 6.5 acres. Costs for the project are as follows: \$45,000 land, \$390,000 building, \$210,000 equipment and \$55,000 other contingencies (to fix and remodel offices and repair existing building). Construction should begin October 10, 1984, with occupancy by January 1, 1985. The Company reports an annual payroll of thirty employees at \$706,000 per year. The estimated number of additional employment positions at the end of one year total four jobs with \$70,000 in additional payroll to the community. The three-year employment estimate is nine jobs with \$160,000 in additional payroll. The Economic Development Committee on October 3, 1984, recommended Proposal No. 539, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Curry for adoption. Proposal No. 539, 1984, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath,

Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader,
West

NO NAYS

2 NOT VOTING: Crowe, Howard

Proposal No. 539, 1984, was retitled SPECIAL RESOLUTION NO. 84, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 84, 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, Central Indiana Supply Company, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, renovation, installation and equipping of an existing facility consisting of a warehouse building containing approximately 15,000 square feet plus expansion of the foregoing facility by the construction of approximately 30,000 square feet of additional warehouse space and the machinery and equipment to be installed therein plus certain site improvements located at 3340 Shelby Street, on approximately 2 acres of land, Indianapolis, Indiana which will be used by the Company in its business of wholesale distribution of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other farm supplies primarily to farm supply dealers (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 4 at the end of one year and a total of 9 at the end of three years) to be achieved by the acquisition, construction, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

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

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health,

safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Seven Hundred Thousand Dollars \$700,000 under the Act to be privately placed for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to Central Indiana Supply Company, 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, renovation, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the 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 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 April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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 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. 540, 1984. This proposal is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Omni Technology Corporation in an approximate amount of \$610,000. Councillor Schneider stated that this proposal has been withdrawn.

PROPOSAL NOS. 541 AND 542, 1984. Proposal No. 541, is a special ordinance designating the parcel of land commonly known as 344, 364, 366, and 368 South Meridian Street as an economic development target area. Proposal No. 542, is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for South Meridian Redevelopment Group in an approximate amount of \$1,800,000. Councillor Schneider stated that the project is to renovate a three-story building containing approximately 22,000 square feet and construct an additional 8,000 square feet of rental space located at 364, 366 and 368 South Meridian Street. The project also includes the purchase of 344 South Meridian Street for parking. The existing building is owned by the applicant but is currently vacant. The structure will be leased for general office space with some commercial space on the ground floor and basement. Costs for the project are as follows: \$230,000 land and building, \$1,700,000 renovation, \$165,000 architectural and engineering costs and \$250,000 other contingencies. Construction should begin December 15, 1984, with occupancy by May 15, 1985. The estimated number of additional employment positions at the end of one year total three jobs with \$44,000 in additional payroll to the community. The three-year employment estimate is three jobs with \$52,000 in additional payroll. The Economic Development Committee on October 3, 1984, recommended Proposal Nos. 541 and 542, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Gilmer for adoption. Proposal No. 541, 1984, was adopted on the following roll call vote; viz:

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

4 NOT VOTING: *Crowe, Hawkins, Rader, Strader*

Proposal No. 541, 1984, was retitled SPECIAL ORDINANCE NO. 58, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 58, 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 October 3, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 344, 364, 366 and 368 South Meridian Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

A strip of ground of uniform width of 22 1/2 feet, taken by parallel lines off the South side of Lot 5 in Blake's Subdivision of the South 1/2 of Square 96 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, pages 89 and 90, in the Office of the Recorder of Marion County, Indiana.

A strip of ground of the uniform width of 22 1/2 feet measured from North to South, taken by parallel lines off the North side of Lot Number Four (4) in James Blake's Subdivision of the South 1/2 of Square 96 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, pages 89 and 90, in the Office of the Recorder of Marion County, Indiana.

The South 1/3 of Lot Numbered Four (4) and the North 1/3 of the Lot Numbered Five (5) in James Blake's Subdivision of the South 1/2 of Square 96

of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, page 89, in the Office of the Recorder of Marion County, Indiana.

South one-third (1/3) of Lot 2 and the North one-third (1/3) of Lot 3 in Blake's Subdivision of the South Half of Square 96 of the donation of lands of the City of Indianapolis as per plat thereof recorded in Plat Book 1, Page 89-90, in the Office of the Recorder of Marion County, Indiana.

A strip of ground of the uniform width of twenty-two and one-half (22 1/2) feet measured from South to North taken by parallel lines off the South side of Lot 3 in the James Blake's Subdivision of the South one-half (1/2) of Square 96 of the donation of lands of the City of Indianapolis as per plat thereof recorded in Plat Book 1, Page 89-90 in the Office of the Recorder of Marion County, Indiana.

now, therefore:

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

SECTION 1. It is hereby found that the parcel commonly known as 344, 364, 366 and 368 South Meridian Street, Indianapolis, Indiana, which is more specifically described as:

A strip of ground of uniform width of 22 1/2 feet, taken by parallel lines off the South side of Lot 5 in Blake's Subdivision of the South 1/2 of Square 96 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, pages 89 and 90, in the Office of the Recorder of Marion County, Indiana.

A strip of ground of the uniform width of 22 1/2 feet measured from North to South, taken by parallel lines off the North side of Lot Number Four (4) in James Blake's Subdivision of the South 1/2 of Square 96 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, pages 89 and 90, in the Office of the Recorder of Marion County, Indiana.

The South 1/3 of Lot Numbered Four (4) and the North 1/3 of the Lot Numbered Five (5) in James Blake's Subdivision of the South 1/2 of Square 96 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, page 89, in the Office of the Recorder of Marion County, Indiana.

South one-third (1/3) of Lot 2 and the North one-third (1/3) of Lot 3 in Blake's Subdivision of the South Half of Square 96 of the donation of lands of the City of Indianapolis as per plat thereof recorded in Plat Book 1, Page 89-90, in the Office of the Recorder of Marion County, Indiana.

A strip of ground of the uniform width of twenty-two and one-half (22 1/2) feet measured from South to North taken by parallel lines off the South side of Lot 3 in the James Blake's Subdivision of the South one-half (1/2) of Square 96 of the donation of lands of the City of Indianapolis as per plat thereof recorded in Plat Book 1, Page 89-90 in the Office of the Recorder of Marion County, Indiana.

meet the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property ..."

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

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

Proposal No. 542, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: Cottingham, Giffin, Gilmer, Hawkins

Proposal No. 542, 1984, was retitled SPECIAL RESOLUTION NO. 85, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 85, 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, South Meridian Redevelopment Group (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, renovation, construction, installation and equipping of an existing 3 story building containing approximately 22,000 square feet of rentable space plus the construction of an additional 8,000 square feet of rentable space and the machinery and equipment to be installed therein plus certain site improvements located at 344, 364, 366 and 368 South Meridian Street, Indianapolis, Indiana on less than one acre of land which will be used as general office space for lease to the general public with some retail/commercial space (the "Project"); and

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

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

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

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

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

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) under the Act to be privately placed subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended for the acquisition, renovation, construction, installation and equipping of the Project and the sale or leasing of the Project to South Meridian Redevelopment Group (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, renovation, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the 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 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 April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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, renovation, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

PROPOSAL NO. 543, 1984. This is a proposal for an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Mikel A. Ziobrowski/Response Communications, Inc. or any to be formed corporation or division of Response Communications, Inc. in an approximate amount of \$1,700,000. Councillor Schneider explained that the Company is currently headquartered in Atlanta, Georgia, and currently leases 3,000 square feet at 4955 West Washington Street. The project will be developed in three phases on Lot 5, Western Drive in Park West. The entire project contains 63,200 square feet. Approximately 84% of Phase I will be used to house a new commercial printing and data processing company. The other 16% will be occupied by Response Communications, Inc. to provide direct marketing services to the financial community. Phases II and III will be occupied 100% by the printing/-data processing company. The estimated number of additional employment positions at the end of one year total 94 jobs with \$1,075,000 in additional payroll to the community. The three-year employment estimate is 134 jobs with \$1,595,000 in additional payroll. The Economic Development Committee on October 3, 1984, recommended Proposal No. 543, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 543, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Clark*

Proposal No. 543, 1984, was retitled SPECIAL RESOLUTION NO. 86, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 86, 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, Mikel A. Ziobrowski/Response Communications, Inc. or any to be formed corporation or division of Response Communications, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a facility containing approximately 63,200 square feet to be constructed in three phases (Phase I - 28,500 square feet; Phase II - 22,700 square feet; Phase III - 12,000 square feet) and the machinery and equipment to be installed therein plus certain site improvements located in Park West on Western Drive, Lot 5, Indianapolis, Indiana which will be used as follows: 84% of the first phase of the project will be used to house a new commercial printing and data processing company. Response Communications, Inc., the other user, provides direct marketing services to the financial community. A new printing/data processing company is being formed to diversify into new but related markets. The targeted markets consist of financial institutions, retail department stores, and the insurance industry. Specific products will be the printing of brochures, statement stuffers, letterhead and applications. Data Processing Services - list maintenance, list segmentation, merge/purge, data entry, analysis and computer printing. The printing/data processing company will occupy 100% of Phases II and III of the total project (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 94 at the end of one year and a total of 134 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 One Million Seven Hundred Thousand Dollars (\$1,700,000) estimated to be used pursuant to a plan of financing as follows: Phase I - \$935,000, Phase II - \$495,000 and Phase III - \$270,000 under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Mikel A. Ziobrowski/Response Communications, Inc. or any to be formed corporation or division of Response Communications, 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 during that calendar year will not exceed the 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 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 April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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 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. 545, 1984. This is a proposal for an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Westside Investors Group, an Indiana Limited Partnership, in an approximate amount of \$375,000. Councillor Schneider stated that the project is to acquire, renovate and equip a building containing approximately 10,000 square feet at 8240 Indy Lane. The structure will be 90% occupied by Creative Logic Equipment Corp and 10% occupied by the Elliott Equipment Corp for the wholesale distribution of microcomputer hardware, software and peripherals. Costs for the project are as follows: \$20,000 land, \$245,000 building, \$90,000 equipment, and \$20,000 other contingencies. The estimated number of additional employment positions at the end of one year total four jobs with \$120,000 in additional payroll to the community. The three-year employment estimate is eight jobs with \$200,000 in additional payroll. The Economic Development Committee on October 3, 1984, recommended Proposal No. 545, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 545, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

Proposal No. 545, 1984, was retitled SPECIAL RESOLUTION NO. 87, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 87, 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, Westside Investors Group, an Indiana limited partnership (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, renovation, installation and equipping of an existing building containing approximately 10,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at 8240 Indy Lane, Indianapolis, Indiana on approximately 1.5 acres of land which will be used by Creative Logic Equipment Corp. and Elliott Equipment Corp. for the wholesale distribution of micro computer hardware, software, and peripherals with service for products sold (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 4 at the end of one year and 8 at the end of three years) to be achieved by the acquisition, construction, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

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

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in

the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Three Hundred Seventy-five Thousand Dollars (\$375,000) under the Act to be privately placed and to be guaranteed by the principals of the Company for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to Westside Investors Group, an Indiana limited partnership (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, renovation, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the 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 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 April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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 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 NOS. 546 AND 547, 1984. Proposal No. 546, 1984, is for a special ordinance designating the parcel of land commonly known as 333 North Alabama Street as an economic development target area. Proposal No. 547, 1984, is for an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Clark-Knoxville-Clark Associates, Ltd.

in an approximate amount of \$6,000,000. Councillor Schneider explained that the project is to acquire, renovate and equip the currently vacant 144,000 square foot Sears building at 333 North Alabama Street 60% of which will be for use as office space for rental to the general public. The remaining 40% of the space will be used for a grocery store. The project involves only Parcels 1 and 2 of the "Sears" property. The project involves acquiring 207 parking spaces east of the Sears building. There are another 305 parking spaces available for a future project in Parcels 3 and 4. Costs for the project are as follows: \$100,000 land, \$1,850,000 building, and \$5,050,000 renovation. The estimated number of additional employment positions at the end of one year total seventy-three jobs with \$750,000 in additional payroll to the community. The three-year employment estimate is eighty-four jobs with \$1,000,000 in additional payroll. The Economic Development Committee on October 3, 1984, recommended Proposal No. 546 and 547, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Curry for adoption. Proposal No. 546, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: Clark

Proposal No. 546, 1984, was retitled SPECIAL ORDINANCE NO. 59, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 59, 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 October 3, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 333 North Alabama Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

Lots 1, 2, 3, 4, 10, 11, 12, the North one-half of Lot 5 and 56 feet and 4 2/1 inches off the entire North side of Lot 9, all in Square 22 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, page 28, in the Office of the Recorder of Marion County, Indiana.

ALSO: That vacated first alley South of Vermont Street lying between said Lots 3 and 4, and between said Lots 9 and 10, said alley being vacated by Vacation Proceedings recorded April 10, 1953, in Deed Record 1486, as Instrument No. 22804, in the Office of the Recorder of Marion County, Indiana; and

Lots 8 and 9 and 98 feet off the entire West end of Lot 7 in Thorpe's Subdivision in Square 20 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Land Record J, page 48, in the Office of the Recorder of Marion County, Indiana; and

Lots 1 through 8 inclusive in Blythe's Subdivision of Square 20 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, page 279, in the Office of the Recorder of Marion County, Indiana.

ALSO: All that alley lying between said Lots 1 through 6 and Lot 7 vacated by Resolution No. 16247 of the Vacation Proceedings recorded August 6, 1947, in Deed Record 1268, pages 498-500, in the Office of the Recorder of Marion County, Indiana.

now, therefore:

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

SECTION 1. It is hereby found that the parcel commonly known as 333 North Alabama Street, Indianapolis, Indiana, which is more specifically described as:

Lots 1, 2, 3, 4, 10, 11, 12, the North one-half of Lot 5 and 56 feet and 4 2/1 inches off the entire North side of Lot 9, all in Square 22 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, page 28, in the Office of the Recorder of Marion County, Indiana.

ALSO: That vacated first alley South of Vermont Street lying between said Lots 3 and 4, and between said Lots 9 and 10, said alley being vacated by Vacation Proceedings recorded April 10, 1953, in Deed Record 1486, as Instrument No. 22804, in the Office of the Recorder of Marion County, Indiana; and

Lots 8 and 9 and 98 feet off the entire West end of Lot 7 in Thorpe's Subdivision in Square 20 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Land Record J, page 48, in the Office of the Recorder of Marion County, Indiana; and

Lots 1 through 8 inclusive in Blythe's Subdivision of Square 20 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, page 279, in the Office of the Recorder of Marion County, Indiana.

ALSO: All that alley lying between said Lots 1 through 6 and Lot 7 vacated by Resolution No. 16247 of the Vacation Proceedings recorded August 6, 1947, in Deed Record 1268, pages 498-500, in the Office of the Recorder of Marion County, Indiana.

meet the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property ..."

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

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

Proposal No. 547, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: Clark

Proposal No. 547, 1984, was retitled SPECIAL RESOLUTION NO. 88, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 88, 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, Clark-Knoxville-Clark Associates, Ltd. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, renovation, installation and equipping of the existing, vacant, former Sears & Roebuck facility which contains approximately 144,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at 333 North Alabama Street, Indianapolis, Indiana on less than three acres of land which will be used as general office space for lease to the general public (approximately 60% of the space) and for the retail sales of groceries (approximately 40% of the space) (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 73 at the end of one year and 84 at the end of three years) to be achieved by the acquisition, construction, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

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

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

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

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

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Six Million Dollars (\$6,000,000) under the Act to be privately placed or if not privately placed to have a bank Letter of Credit subject to the Project being located in an Economic Development Target Area designated pursuant to I.C. 36-7-12 as amended for the acquisition, renovation, construction, installation and equipping of the Project and the sale or leasing of the Project to Clark-Knoxville-Clark Associates, Ltd. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, renovation, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the 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 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 April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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, renovation, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

PROPOSAL NO. 548, 1984. This is an inducement resolution amending previously adopted Special Resolution No. 73, 1984, to increase the dollar amount of the inducement resolution from \$33,000,000 to \$48,000,000 for James L. Kittle, Sr. and H. Eugene Conard or an Indiana limited partnership to be formed in which James L. Kittle, Sr. and/or H. Eugene Conard will be a general partner or general partners. Councillor Schneider stated that the amendment to increase the inducement resolution by \$15 million is necessary for three reasons: 1) The Department of Housing and Urban Development is requiring that the project have 704 parking spaces rather than the original proposed 150 parking spaces. This factor adds an increase of \$8.4 million; 2) The Debt Service Reserve fund was anticipated to be \$1.4 million. The underwriter of the Bonds (Dain, Bosworth Incorporated) has indicated that it will require a larger Debt Service Reserve of \$5.0 million (a \$3.6 million increase); 3) Because of remaining uncer-

ainties in financing plans, the developers feel it is necessary to have an additional \$3 million for contingencies. The project will involve the construction of approximately 380 apartments with an estimated occupancy of 1,000 residents. Parking must also be available for clients of the various retail shops included in this project. The Economic Development Committee on October 3, 1984, recommended Proposal No. 548, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Gilmer for adoption. Proposal No. 548, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Clark*

Proposal No. 548, 1984, was retitled SPECIAL RESOLUTION NO. 89, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 89, 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, James L. Kittle, Sr. and H. Eugene Conard or an Indiana limited partnership to be formed in which James L. Kittle, Sr. and/or H. Eugene Conard will be general partner or general partners (the "Company") has previously 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 were described as being the acquisition, construction, installation and equipping of a residential multi-family rental housing facility containing approximately 380 units together with approximately 39,000 square feet of commercial/retail space and a parking garage which will contain approximately 150 spaces for vehicles and the machinery and equipment to be installed therein plus certain site improvements to be located on a site bounded on the south by Court Street, on the east by Pennsylvania Street, on the north by Churchills and on the west by Scioto Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the City-County Council on September 10, 1984 adopted Special Resolution No. 73, 1984 (hereinafter the "Resolution") concerning the Project; and

WHEREAS, (1) The developers have applied to the Department of Housing and Urban Development ("HUD") for mortgage insurance on the Project pursuant to

Section 220 of the National Housing Act and HUD regulations applicable thereto. As a requirement for its commitment to provide such insurance, HUD has required the developers to provide 704, rather than 150, parking places. This increase in the size of the Project has, in turn, required an increase in the construction period. As a result, the costs of construction (including funded interest and other interim costs) have increased from the \$25.9 million projected at the time the Resolution was adopted to \$34.3 million, an increase of \$8.4 million. (2) At the time the Resolution was adopted, the developers anticipated that a Debt Service Reserve Fund of \$1.4 million would be required. The underwriter of the Bonds, Dain, Bosworth Incorporated, has indicated that it will require a Debt Service Reserve Fund of \$5.0 million as a condition for its purchase of the Bonds, an increase of \$3.6 million. (3) Because of remaining uncertainties in the financing plans, the developers believe it to be prudent to have additional authority in the amount of \$3.0 million to provide for unforeseen contingencies; and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 80 at the end of one year and 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 Forty-eight Million Dollars (\$48,000,000) under the Act for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to James L. Kittle, Sr. and H. Eugene Conard or an Indiana limited partnership to be formed in which James L. Kittle, Sr. and/or H. Eugene Conard will be a general partner or general partners (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, 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 subject to the caveat

that this inducement resolution expires April 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms 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 the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 464, 1984. This proposal appropriates \$800,000 for the Department of Parks and Recreation for community recreation services. Councillor Durnil explained that the proposal was amended to reduce the appropriation from \$800,000 to \$384,000. This is due to the fact that the end of the year is approaching and the money could not be spent in the amount of time left. The funds will be used at the following locations: Southwestway Community Center, Northwestway Park, Major Taylor Velodrome, Lake Sullivan Bicycle Motor Cross Track, Coffin Golf Course, Eagle Creek Boat Ramp Restroom Concession Facility. The Parks and Recreation Committee on September 27, 1984, recommended Proposal No. 464, 1984, Do Pass As Amended by a vote of 6-0-1. The President called for public testimony at 7:50 p.m. There being no one present to testify, Councillor Durnil moved, seconded by Councillor Rader for adoption. Proposal No. 464, 1984, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradley, Clark, Cottingham, Crowe, Curry, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Strader, West*

2 NAYS: *Schneider, Stewart*

4 NOT VOTING: *Campbell, Coughenour, Dowden, Gilmer*

Proposal No. 464, 1984, was retitled FISCAL ORDINANCE NO. 73, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Three Hundred Eighty-four Thousand Dollars (\$384,000) in the Park Land Fund for purposes of the Department of Parks and Recreation, Administration Division and reducing the unappropriated and unencumbered balance in the Park Land Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for community recreation services in neighborhoods or areas not currently serviced by the Department of Parks and Recreation.

SECTION 2. The sum of Three Hundred Eighty-four Thousand Dollars (\$384,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS & RECREATION	
ADMINISTRATION DIVISION	PARK LAND FUND
4. Capital Outlay	<u>\$384,000</u>
TOTAL INCREASE	\$384,000

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

DEPARTMENT OF PARKS & RECREATION	
ADMINISTRATION DIVISION	PARK LAND FUND
Unappropriated and Unencumbered	
Park Land Fund	<u>\$384,000</u>
TOTAL REDUCTION	\$384,000

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

PROPOSAL NO. 469, 1984. This proposal appropriates \$16,500 for the Prosecuting Attorney for costs of the Governor's Task Force on Drunk Driving. Councillor Dowden stated that the Program involved approximately 1,000 young persons attending a conference in Indianapolis to become "peer leaders" in their home towns throughout Indiana to educate other young persons about the dangers of drinking alcohol and driving automobiles. The Prosecutor originally applied for a \$15,000 grant from the Indiana Department of Aging and a \$1,500 grant from the Criminal Justice Institute. The \$15,000 grant was denied and Proposal No. 469, 1984, was amended to reduce the appropriation to reflect this change. The Public Safety and Criminal Justice Committee on September 26, 1984, recommended Proposal No. 469, 1984, Do Pass As Amended by a vote of 6-0. The President called for public testimony at 7:51 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Nickell for adoption. Proposal No. 469, 1984, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Holmes, Howard, Journey, McGrath,

Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

2 NOT VOTING: Gilmer, Hawkins

Proposal No. 469, 1984, was retitled FISCAL ORDINANCE NO. 74, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional One Thousand Five Hundred Dollars (\$1,500) in the County General Fund for purposes of the Marion County Prosecuting Attorney and reducing 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)(22) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for costs of the Governor's Task Force on Drunk Driving in conjunction with a state-wide conference. The reimbursement will be received from the Criminal Justice Institute and the State Department of Aging.

SECTION 2. The sum of One Thousand Five Hundred Dollars (\$1,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:	
PROSECUTING ATTORNEY	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$1,500</u>
TOTAL INCREASE	<u>\$1,500</u>

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

SECTION 4. The said additional appropriations are funded by the following reductions:	
PROSECUTING ATTORNEY	COUNTY GENERAL FUND
Unappropriated and Unencumbered	
County General Fund	<u>\$1,500</u>
TOTAL REDUCTION	<u>\$1,500</u>

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

PROPOSAL NO. 519, 1984. This proposal appropriates \$38,809 for the Marion County Prosecutor to establish a Statewide Automated Youth Resource Network. Councillor Dowden explained that this network is to better improve capabilities of referral counselors when directing juveniles to other agencies or services. The total amount of the grant is \$69,808.40. Proposal No. 519 is appropriating funds for the remainder of 1984. Proposal No. 519, originally appropriated \$7,100 for fringes from the County Auditor's budget. The committee amended

the proposal to reduce this amount to \$2,000 which is the amount needed for the remainder of 1984. The Public Safety and Criminal Justice Committee on September 26, 1984, recommended Proposal No. 519, 1984, Do Pass As Amended by a vote of 5-0. The President called for public testimony at 7:54 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Giffin for adoption. Proposal No. 519, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*
 NO NAYS
 3 NOT VOTING: *Clark, Gilmer, Schneider*

Proposal No. 519, 1984, was retitled FISCAL ORDINANCE NO. 75, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 75, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Thirty-three Thousand Seven Hundred Nine Dollars (\$33,709) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and Marion County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03(e) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating funds to establish a statewide automated youth resource network to improve the referring of juveniles to proper facilities. The cost will be reimbursed by the federal grant.

SECTION 2. The sum of Thirty-three Thousand Seven Hundred Nine Dollars (\$33,709) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:
MARION COUNTY PROSECUTOR STATE AND FEDERAL GRANT FUND

31. Personal Services	\$10,000
32. Contractual Services	10,000
33. Travel	3,009
34. Equipment	8,700
	<u>\$31,709</u>

MARION COUNTY AUDITOR

31. Personal Services (Fringes)	2,000
TOTAL INCREASE	<u>\$33,709</u>

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

MARION COUNTY PROSECUTOR
 Unappropriated and Unencumbered
 State and Federal Grant Fund
 TOTAL REDUCTION

STATE AND FEDERAL GRANT FUND
 \$33,709
 \$33,709

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

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Prosecutor	4	30,000	44,123
Witness Coordinator	2	18,000	23,606
Paralegal	1	17,870	17,000
Probation Officer	1	17,000	17,000
Investigator	1	21,000	21,000
Project Analyst	1	18,000	18,000
Intern	1	11,500	8,434
Director	1 <u>3</u>	18,000 <u>20,400</u>	17,810 <u>17,885</u>
Volunteer Coordinator	1	6,000	4,038
Student Jury Coordinator	1	12,000	8,769
Secretary	1 <u>2</u>	15,000	14,000 <u>7,644</u>
Counselor	3	14,350	22,390
Vacancy Factor	—	—	<u>(22,461)</u>
TOTAL	18 <u>21</u>	177,142 <u>187,428</u>	

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

PROPOSAL NO. 536, 1984. This proposal is for a final bond ordinance authorizing the issuance of \$7,300,000 Economic Development Revenue Bonds for Morningside of College Park. Councillor Schneider explained that the project is to construct and equip 128 multi-family residential units for the elderly at College Park on the City's northwest side. Dominion Realty will manage the facility. Bond financing contains the following documents: Real Estate Mortgage and Security Agreement, Trust Indenture with American Fletcher National Bank, Regulatory Agreement as to Tax Exemption, Collateral Assignment of Rents and Leases, Loan Agreement, and Promissory Note. The interest rate for the first sixty months following closing of the bonds is 11% and 12% thereafter. The principal is payable monthly commencing on the first day of the nineteenth month following closing of the bonds. The final payment on the principal is due 120 months after the bond is issued. The Economic Development Committee on October 3, 1984, recommended Proposal No. 536, 1984, Do Pass by a vote of 4-1. Councillor Curry explained that he cast the dissenting vote due to the fact that Proposal No: 536, 1984, needed to be heard by the Council under Public Hearing. Mr. Crawford explained that federal law requires that public notice be placed in the newspaper at least fourteen days prior to the governmental entity holding a

public hearing on the matter to be discussed. He explained that the public hearing in Council (October 8th) is necessary because the developer for the project contacted his law office after the fourteen day time period had "run out" for the Commission's meeting, and due to time restrictions on the project, the Company could not wait until next month's Committee and Commission meeting. The Council is also authorized under Federal Law to hold the required public hearing. The President called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Gilmer for adoption. Proposal No. 536, 1984, was adopted on the following roll call vote; viz:

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

Proposal No. 536, 1984, was retitled SPECIAL ORDINANCE NO. 60, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 60, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond, Series 1984 (Morningside of College Park Project)" in the principal amount of Seven Million Three Hundred Thousand Dollars (\$7,300,000) 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 Morningside of College Park, an Indiana limited partnership and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 3, 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 Morningside of College Park, an Indiana limited partnership (the "Company") consisting of the acquisition, construction, installation and equipping of an approximately 154,852 square foot 128 unit elderly congregate multi-family residential rental housing facility plus certain site improvements to be located at the southwest corner of Barnard Street and Colby Boulevard in College Park, Indianapolis, Indiana on approximately 6.386 acres of land (the "Project") which will be initially owned and operated by Morningside of College Park, an Indiana limited 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 Real Estate Mortgage and Security Agreement, Trust Indenture, Regulatory Agreement as to Tax Exemption, Collateral Assignment of Rents and Leases, Loan Agreement, Promissory Note and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond, Series 1984 (Morningside of College Park Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement consisting of the acquisition, construction, installation and equipping of an approximately 154,852 square foot 128 unit elderly congregate multi-family residential rental housing facility plus certain site improvements to be located at the southwest corner of Barnard Street and Colby Boulevard in College Park, Indianapolis, Indiana on approximately 6.386 acres of land previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Morningside of College Park, an Indiana limited partnership for the purposes of financing the economic development facilities being acquired, constructed, installed and equipped or to be acquired, constructed, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Morningside of College Park, an Indiana limited partnership will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Real Estate Mortgage and Security Agreement, Trust Indenture, Regulatory Agreement as to Tax Exemption, Collateral Assignment of Rents and Leases, Loan Agreement, Promissory Note and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1984 (Morningside of College Park 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 Real Estate Mortgage and Security Agreement, Trust Indenture, Regulatory Agreement as to Tax Exemption, Collateral Assignment of Rents and Leases, Loan Agreement, Promissory Note and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1984 (Morningside of College Park 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, Series 1984 (Morningside of College Park Project) in the principal amount of Seven Million Three Hundred Thousand Dollars (\$7,300,000) for the purpose of procuring funds to loan to Morningside of College Park, an Indiana limited partnership in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement incorporated herein by reference, which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Morningside of College Park, an Indiana limited partnership on its Promissory Note in the principal amount of Seven Million Three Hundred Thousand Dollars (\$7,300,000), which will be executed and delivered by Morningside of College Park, an Indiana limited partnership to evidence and secure said loan, and as otherwise provided in the above described Real Estate Mortgage and Security Agreement, Trust Indenture, and Collateral Assignment of Rents and Leases. 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 equal to the Tax Exempt Rate as defined in the Trust Indenture or in the event of a Determination of Taxability as defined in the Trust Indenture at the Taxable Rate as defined in the Trust Indenture, however, in no event shall the rate of interest exceed thirty percent (30%) per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Real Estate Mortgage and Security Agreement, Trust Indenture, Loan Agreement, the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond, Series 1984 (Morningside of College Park Project), and the Endorsement to the Promissory Note approved herein, and their execution is hereby con-

firmed, 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 Trust Indenture. The Mayor and City Clerk may by their execution of the Mortgage, Trust Indenture, Loan 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, Regulatory Agreement as to Tax Exemption and Collateral Assignment of Rents and Leases without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

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

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 361, 1984. This proposal establishes a penalty fee for writing bad checks to city or county agencies. Councillor Coughenour the sponsor of this proposal requested that it be stricken due to the fact that the county agencies are already allowed to charge a penalty fee under State statute. Proposal No. 361, 1984, was stricken by unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 463, 1984. This proposal authorizes the leasing of surplus property by the Department of Parks and Recreation. Council Durnil stated that this piece of property is the old Northeast Community Center located at 3306 East 30th Street, which has been closed since 1981. The Citizens Social Club will be leasing the facility. The Parks and Recreation Committee on September 27, 1984, recommended Proposal No. 463, 1984, Do Pass by a vote of 6-0. Councillor Durnil moved, seconded by Councillor Howard for adoption. Proposal No. 463, 1984, was adopted on the following roll call vote; viz:

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

Strader, West

NO NAYS

1 NOT VOTING: Clark

Proposal No. 463, 1984, was retitled SPECIAL RESOLUTION NO. 90, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 90, 1984

A SPECIAL RESOLUTION approving the leasing of certain real estate of the Department of Parks and Recreation.

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

SECTION 1. The City-County Council approves, pursuant to I.C. 36-1-11-3 the leasing of the following property by the Department of Parks and Recreation:

<u>Location</u>	<u>Auction Bid Lease Value</u>	<u>Public Hearing Date</u>
3306 E. 30th Street	\$6,132.00 annual guaranteed rent	May 26, 1983

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

PROPOSAL NO. 465, 1984. This proposal amends the Code dealing with the composition of the Marion County Criminal Justice Coordinating Council. Councillor Dowden explained that Proposal No. 465, changes the name of to the Marion County Justice Council and requires that the membership serve in person and not by proxy. These changes should help the Council attract more federal dollars. The committee did amend the ordinance to include in the membership the chairman of the public safety and criminal justice committee instead of the council president designating a person to serve. The Public Safety and Criminal Justice Committee on September 26, 1984, recommended Proposal No. 465, 1984, Do Pass As Amended by a vote of 6-0. Councillor Dowden moved, seconded by Councillor Nickell for adoption. Proposal No. 465, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

Proposal No. 465, 1984, was retitled GENERAL ORDINANCE NO. 64, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 1984

A GENERAL ORDINANCE amending Division 4 of Article VII of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", concerning the Marion County Criminal Justice Coordinating Council.

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

SECTION 1. Division 4 of Article VII of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by deleting the language crosshatched and inserting the language underlined as follows:

DIVISION 4. MARION COUNTY ~~CRIMINAL JUSTICE COORDINATING~~ COUNCIL

Sec. 2-312. Established, appointment and qualifications of chairman.

There is hereby established ~~at~~ the Marion County ~~Criminal Justice~~ ~~Coordinating~~ Council, hereinafter designated as ~~the~~ MCJC. The mayor, with the advice and consent of the city-county council, shall appoint the chairman of the ~~MCJC~~ MCJC, who shall be a resident of the county having experience and background in ~~criminal justice~~ justice systems.

Sec. 2-313. Council membership.

a. The ~~MCJC~~ MCJC shall be composed of the following members:

- (A) 1. The sheriff of Marion County;
- (B) 2. The director of the department of public safety;
- (C) 3. ~~The judge of the Marion Circuit Court;~~ The judge of the Marion Circuit Court;
- (D) 4. The presiding judge of the ~~Municipal Court of Marion County;~~ Municipal Court of Marion County;
- (E) 5. ~~A judge of the Marion Superior Court, to be designated by the residing judge of the Superior Court;~~ A judge of the Marion Superior Court, to be designated by the residing judge of the Superior Court;
- (F) 6. The chairman of the public safety and criminal justice committee of the City-County Council;
- (G) 7. The Marion County prosecuting attorney;
- (H) 8. The Marion County clerk;
- (I) 9. The mayor of the City of Indianapolis, who shall sit as an ex officio member, ~~of the MCJC.~~

b. Council members shall serve in person and not by proxy, and without compensation.

Sec. 2-314. Advisory members.

The following shall be advisory members of the ~~MCJC~~ MCJC:

- (a) The chief of police of the Beech Grove Police Department;
- (b) The chief of police of the Lawrence Police Department;
- (c) The chief of police of the Speedway Police Department;
- (d) A representative of the Indiana State Police Department;
- (e) ~~The chief of the Indianapolis Police Force.~~ The chief of the Indianapolis Police Force.

PROPOSAL NO. 467, 1984. This proposal transfers \$900 for Marion County Superior Court - Criminal Division - Room 2 to continue payments of courtroom requisitions for office equipment repair and maintenance. Councillor Dowden stated that the committee amended the proposal by increasing the amount of the transfer from \$900 to \$2,800. The funds are being transferred from Character 1, Personal Services, Temporary and Character 4, Capital Outlay. The Public Safety and Criminal Justice Committee on September 26, 1984, recommended Proposal No. 467, 1984, Do Pass As Amended by a vote of 3-0. The Councillor Dowden moved, seconded by Councillor Borst for adoption. Proposal No. 467, 1984, as amended, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Bradley, Hawkins*

Proposal No. 467, 1984, as amended, was retitled FISCAL ORDINANCE NO. 76, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 76, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Two Thousand Eight Hundred Dollars (\$2,800) in the County General Fund for purposes of the Marion County Superior Court - Criminal Division - Room 2 and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (b)(8) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to continue payments of courtroom requisitions for office equipment repair and maintenance.

SECTION 2. The sum of Two Thousand Eight Hundred Dollars (\$2,800) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:
MARION COUNTY SUPERIOR COURT
CRIMINAL DIVISION - ROOM 2

	COUNTY GENERAL FUND
2. Supplies	\$1,400
3. Other Services & Charges	<u>\$1,400</u>
TOTAL INCREASE	\$2,800

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

MARION COUNTY SUPERIOR COURT
CRIMINAL DIVISION - ROOM 2

COUNTY GENERAL FUND

1. Personal Services	\$1,900
4. Capital Outlay	<u>900</u>
TOTAL REDUCTION	<u>\$2,800</u>

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

(8) SUPERIOR COURT - CRIMINAL DIVISION - ROOM TWO - Dept. 52

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Elected Official	1	16,493	16,493
Court Reporters	2	17,159	34,318
Bailiffs	2	14,692	28,039
Chief Clerk	1	15,370	15,370
Secretary	1	14,493	14,493
Record Clerk	1	13,365	13,365
Clerk	1	12,343	12,343
Master Commissioner	1	18,492	18,492
Public Defenders	5	12,609	63,047
Temporary Part-time			4,500 510
Vacancy Factor			<u>0/ (910)</u>
TOTAL	15	217,460	<u>215,560</u>

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

PROPOSAL NO. 500, 1984. This proposal establishes the rates and charges for the use of the sewerage system. Councillor West explained that Proposal No. 500, sets a one-year rate so that the Department of Public Works may compile accurate data on the functioning of the plant. The Department currently has eight months operating data from the plants. Proposal No. 500, reduces the connection charge from \$2.49 to \$2.06. The current user rate made the split 75% divided among the number of connections with the remaining 25% based on gallonage usage. The new proposed rate makes the split 37% connection fee and 63% gallonage. Proposal No. 500, was amended because of a computer problem which was penalizing the amonia user more than necessary. The Public Works Committee on October 4, 1984, recommended Proposal No. 500, 1984, Do Pass As Amended by a vote of 5-1. Councillor West moved, seconded by Councillor Coughenour for adoption. Councillor Schneider asked that Mr. Carl Moldthan be allowed to make a presentation concerning the material that he distributed before the meeting began. This request was denied on the following roll call vote; viz:

13 YEAS: Boyd, Campbell, Dowden, Durnil, Giffin, Hawkins, Journey, McGrath, Nickell, Page, Schneider, Strader, West

15 NAYS: Borst, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Gilmer, Holmes, Howard, Miller, Rader, Rhodes, SerVaas, Stewart
 1 NOT VOTING: Shaw

Proposal No. 500, 1984, as amended, was adopted on the following roll call vote viz:

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

Proposal No. 500, 1984, as amended, was retitled GENERAL ORDINANCE NO. 65, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 1984

A GENERAL ORDINANCE providing for the establishment of rates and charges for the use of the sewerage system; the methods of ascertaining such charges and defining the powers and duties of the Department of Public Works.

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

SECTION 1. Article 4 of Chapter 27 of the "Code of Indianapolis and Marion County, Indiana", be and is hereby amended by adding the words underlined and deleting the words crosshatched, as follows:

Sec. 27-102. ~~Article 4~~ Sewer user charge imposed.

(a) Established. The sewer user charge imposed by this article shall be based upon the following general formulas:

$$V_t = V_u 1 + V_u 2 \dots + V_u n$$

$$V_c = \frac{C_t - C_i - C_i' - C_u - C_e - I}{V_t} + 0.63 \frac{(C_i + C_i' + C_u)}{V_t}$$

$$C_c = 0.37 \frac{(C_i + C_i' + C_u)}{T_c} - 12$$

Non-industrial user:

$$R = V_u (V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where:

- Cc = Availability of service charge per month.
- Ct = Total operation and maintenance cost per a unit of time.
- Ci = Operation and maintenance cost to transport and treat infiltration per a unit of time.

- Ci' = Operation and maintenance cost to transport and treat inflow per a unit of time.
 Cu = Operation and maintenance cost to transport and treat unmetered water per a unit of time.
 Ce = Operation and maintenance cost to treat wastes in excess of base level Vc
 Vc = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.
 Bc = Operation and maintenance cost to treat a unit of BOD.
 Sc = Operation and maintenance cost to treat a unit of SS.
 Nc = Operation and maintenance cost to treat a unit of ammonia nitrogen.
 Pc = Operation and maintenance cost to treat any other pollutant.
 B = Amount of BOD from a user above a base level.
 S = Amount of SS from a user above a base level.
 N = Amount of nitrogen from a user above a base level.
 P = Amount of any other pollutant from a user above a base level.
 Vu = Volume contribution per user per a unit of time.
 Vt = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).
 I = Industrial Surveillance cost per a unit of time.
 Iu = Industrial Surveillance cost per a unit of industrial volume per a unit of time.
 R = User's charge for operation and maintenance per a unit of time.
 Vr = Total wastewater contributed by residential customers per year.
 Tc = Total number of connections to the system.

(b) Application. Until amended, the following rates or factors shall apply; effective January 1, ~~1982~~ 1985, and shall be in effect for the calendar years ~~1982, 1983, 1984, 1985~~ 1985:

Vc = ~~\$0.8673~~ \$1.1339 per 1,000 gallons
 Iu = ~~18010360~~ \$0.0539 per 1,000 gallons
 Bc = ~~18010361~~ \$0.0859 per pound
 Sc = ~~18011434~~ \$0.9970 per pound
 Cc = ~~1821441~~ \$2.03 per month
 Nc = ~~18012405~~ \$0.4474 per pound

(c) Minimum charge and base level. The minimum charge on any monthly billing for an industrial user shall be ~~5.59~~ \$5.59 and non-industrial user shall be ~~5.43~~ \$5.43. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter, and NH 3-N base level shall be 20 milligrams per liter. The industrial and non-industrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided.

SECTION 2. Sec. 27-103 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Sec. 27-103. Industrial cost recovery charge imposed.

For each industrial user of the waste water works, or part thereof that was constructed in whole or in part with federal construction grants made to the city pursuant to the Federal Water Pollution Control Act Amendments of 1972, said industrial user shall be charged and pay to the city that portion of the cost of construction of the waste water works which is allocable to the treatment and transportation of such industrial waste to the extent attributable to the federal share of the cost of construction. The board of public works is hereby empowered to establish, by resolution, such industrial cost recovery rates consistent with federal law, U.S. Environmental Protection Agency rules and guidelines, as soon as practical after the final federal grant or grants amounts have been determined. No such rate shall be established until after a public hearing. Said public hearing shall be in accordance with the procedures set forth in ~~1941414/1941414/1941414/1941414~~ I.C. 36-9-25-11.

SECTION 3. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 520, 1984. This proposal endorses the implementation of the planned Industrial Pretreatment Program. Councillor West explained that when Proposal No. 520 was introduced, the EPA needed a commitment of support by the local governing bodies for the Industrial Pretreatment Program. The Board of Public Works passed a similar resolution endorsing the Program and EPA finds this satisfactory. Councillor West moved to strike Proposal No. 520, 1984. Proposal No. 520, 1984, was stricken by unanimous voice vote.

The President observed the next item on the agenda was a Solid Waste Special Service District Council item. The City-County Council recessed until the completion of the Solid Waste Special Service District Council agenda.

SPECIAL SERVICE DISTRICT COUNCILS

SOLID WASTE SPECIAL SERVICE DISTRICT COUNCIL

The President called the Solid Waste Special Service District Council to order at 8:39 p.m. Twenty-nine members being present, he announced a quorum.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 470, 1984. This proposal appropriates \$118,300 for the Solid Waste Division to begin trash collection services for some homes already in the Solid Waste Special Service Taxing District. Councillor West explained that these funds will provide trash collection for approximately 5,200 properties for the remainder of 1984. These property owners have been paying property

taxes for trash collection services but have not been receiving them. The Public Works Committee on October 4, 1984, recommended Proposal No. 470, 1984, Do Pass by a vote of 5-0. The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Clark for adoption. Proposal No. 470, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*
 NO NAYS
 2 NOT VOTING: *Gilmer, Schneider*

Proposal No. 470, 1984, was retitled SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1984, and reads as follows:

SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1984

A SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Special Service District Annual Budget for 1984 (S.W.S.S.D. Fiscal Ordinance No. 3, 1983) appropriating an additional One Hundred Eighteen Thousand Three Hundred Dollars (\$118,300) in the Solid Waste Service District Fund for purposes of the Department of Public Works, Solid Waste Division and reducing the unappropriated and unencumbered balance in the Solid Waste Service District Fund.

BE IT ORDAINED BY THE SOLID WASTE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Solid Waste Special Service District Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to begin trash collection services to approximately 5,200 property owners in Marion County which are already in the Solid Waste Special Service Taxing District.

SECTION 2. The sum of One Hundred Eighteen Thousand Three Hundred Dollars (\$118,300) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:
 DEPARTMENT OF PUBLIC WORKS

SOLID WASTE DIVISION	SOLID WASTE SERVICE DISTRICT FUND
3. Other Services & Charges	\$118,300
TOTAL INCREASE	<u>\$118,300</u>

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

DEPARTMENT OF PUBLIC WORKS	SOLID WASTE SERVICE DISTRICT FUND
SOLID WASTE DIVISION	Unappropriated and Unencumbered
	Solid Waste Service District Fund
	\$118,300
TOTAL REDUCTION	<u>\$118,300</u>

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

There being no further business the Solid Waste Special Service District Council adjourned at 8:42 p.m.

President SerVaas reconvened the meeting of the City-County Council at 8:42 p.m.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business and upon motion duly made and seconded, the meeting adjourned at 9:10 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and the Indianapolis Police, Fire and Solid Waste Special Service District Councils on the 8th day of October, 1984.

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



President



Clerk of the City-County Council

ATTEST:

(SEAL)